

# N V R A

PROCEDURES  
FOR  
IMPLEMENTING  
THE NATIONAL VOTER  
REGISTRATION ACT OF  
1993  
(MOTOR VOTER)  
IN  
*CALIFORNIA*



**Bill Jones**  
**Secretary of State**  
November, 1997

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*NOVEMBER, 1997***

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## **CHAPTER ONE**

# **INTRODUCTION**

# **AND**

# **BACKGROUND**

**CHAPTER 1**  
**Introduction and Background**

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# **INTRODUCTION AND BACKGROUND**

## **I. Requirements of the National Voter Registration Act of 1993**

The National Voter Registration Act (NVRA) was enacted by Congress and signed by President Clinton in March of 1993.

A copy of the federal law is included at the end of this section as **Attachment 1**.

This new law, commonly referred to as "motor voter," encompasses a broad range of requirements relating to the administration of elections in California. Specifically, the NVRA includes requirements in five primary areas of election administration:

### **1. Voter Registration**

The NVRA as implemented in California requires state and county officials:

- a. Offer an opportunity to register to vote in conjunction with applications for or renewals of driver's licenses or state ID cards (see Chapter Two, "Voter Registration at DMV Field Offices");
- b. Offer an opportunity to register to vote in conjunction with applications for or renewals of various social services, including food stamps, AFDC, IHSS, MediCal, and Women and Infant Children programs (see Chapter Four, "Voter Registration at Social Service Agencies");
- c. Offer an opportunity to register to vote in conjunction with state-funded services for persons with disabilities (see Chapter Four, "Voter Registration at Social Service Agencies");
- d. Offer an opportunity to register to vote at Armed Forces Recruitment Centers, as well as "other offices" specified by the state (see Chapter Four, "Voter Registration at Social Service Agencies");
- e. Forward from DMV change of address information for use by elections officials in updating voter's registration records (see Chapter Three, "Automated (or paper) Change of Address Information").

- f. Accept, and provide upon request, a copy of the National Voter Registration Form (See Chapter Eight).

## **2. Maintenance of the List of Registered Voters**

Each state is required to adopt procedures for removing ineligible voters from the list of registered voters. These procedures must be uniform, non-discriminatory, and may not remove a voter for failure to cast a ballot.

Elections officials may remove voters from the lists only for specified reasons, including notification that the voter has died, been convicted and imprisoned for a felony, etc.

In addition, elections officials may use change of address information to update voter records, but may not cancel a registration based on this information unless this information comes directly from the voter, without first sending a notice to the voter and waiting a period of time which includes two federal general elections.

This process is described in Chapter Five, "List Maintenance and The Purge."

## **3. Election Day Voting Procedures**

As required by the NVRA, through state implementing law, each state is required to provide a "fail-safe" voting mechanism so that, if a person moves from one address to another address in the same county, and the voter does not inform the election official of this change, the voter may still cast a ballot on election day.

These requirements are spelled out in greater detail in Chapter Six, "Fail-Safe Voting."

## **4. Record Keeping and Reporting**

The federal law also requires that elections officials maintain records and statistics of activities relating to the NVRA.

Please refer to Chapter 7: Record Keeping and Reporting.

## **5. The National Voter Registration Form**

The NVRA requires all states to accept a national voter registration form developed by the federal government. We may, of course, also use our own state form, and, in fact, the vast majority of registrations will continue to be executed on the forms we currently use.

Please refer to Chapter 8: The National Voter Registration Form.

## **II. Implementation of the Federal Law in California**

Although the federal law is self-enforcing and needs no state enabling legislation in order to go into effect, there are several areas of the federal law where a given requirement could be met through more than one procedure. In the absence of state law clarifying these potential ambiguities, the Secretary of State, as chief elections officer of the state, and in conjunction with local elections officials, the state Department of Motor Vehicles, and others, has developed this implementation guidebook to insure uniform procedures throughout all of California's counties.

The Secretary of State will continue to seek improvements in the procedures outlined in this document in order to promote the twin goals of broadening the voting franchise and protecting it from abuse.

## **III. Legal Issues in Implementing the NVRA**

The NVRA is federal law and as such preempts state law in those areas in which there is conflict.

The NVRA is complimentary to and does not in any way infringe on the Voting Rights Act, the Voting Accessibility for the Elderly and Handicapped Act, or other federal law.

The federal Department of Justice has indicated that it will not provide guidance in advance for implementation of the NVRA, in terms of which procedures will or will not meet with approval. The Department of Justice has also indicated that implementation and enforcement of the NVRA will be one of its top priorities.



As with any other law or procedure affecting voter registration and administration of elections, the procedures outlined in this manual must be submitted for approval of the United States Department of Justice under the preclearance requirements of the Voting Rights Act.

The NVRA states that the United States Attorney General may bring an action to compel compliance with the law, and that any person who is aggrieved by a violation of the Act may bring a civil action to compel compliance.

The NVRA also indicates that any person, including an election official, who commits an act in contravention to the provisions of this federal law may be guilty of a crime and may be fined and/or imprisoned for up to 5 years.

**NATIONAL VOTER REGISTRATION ACT OF 1993**  
**(PUBLIC LAW 103-31 - MAY 20, 1993)**  
**Revised 6/96**

**An Act**

To establish national voter registration procedures for Federal elections, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SEC. 1. SHORT TITLE.**

This Act may be cited as the "National Voter Registration Act of 1993".

**SEC. 2. FINDINGS AND PURPOSES.**

(a) **FINDINGS.** - The Congress finds that -

- (1) the right of citizens of the United States to vote is a fundamental right;
- (2) it is the duty of the Federal, State, and local governments to promote the exercise of that right; and
- (3) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities.

(b) **PURPOSES.** - The purposes of this Act are -

- (1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;
- (2) to make it possible for Federal, State, and local governments to implement this Act in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;
- (3) to protect the integrity of the electoral process; and

- (4) to ensure that accurate and current voter registration rolls are maintained.

### **SEC. 3. DEFINITIONS**

As used in this Act -

- (1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));
- (2) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));
- (3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;
- (4) the term "State" means a State of the United States and the District of Columbia; and
- (5) the term "voter registration agency" means an office designated under section 7(a)(1) to perform voter registration activities.

### **SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.**

- (a) **IN GENERAL.** - Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provide for under State law, each State shall establish procedures to register to vote in elections for Federal office -
  - (1) by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 5;
  - (2) by mail application pursuant to section 6; and
  - (3) by application in person -
    - (A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and

(B) at a Federal, State, or nongovernmental office designated under section 7.

(b) **NONAPPLICABILITY TO CERTAIN STATES.** - This Act does not apply to a State described in either or both of the following paragraphs:

- (1) A State in which, under law that is in effect continuously on and after March 11, 1993, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.
- (2) A State in which, under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office.

**SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.**

(a) **IN GENERAL.** -

- (1) Each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application.
- (2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) **LIMITATION ON USE OF INFORMATION.** - No information relating to the failure of an applicant for State motor vehicles driver's license to sign a voter registration application may be used for any purpose other than voter registration.

(c) FORMS AND PROCEDURES. -

- (1) Each State shall include a voter registration application form for elections for Federal office as part of an application for State motor vehicle driver's license.
- (2) The voter registration application portion of an application for a State motor vehicle driver's license -
  - (A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C);
  - (B) may require only the minimum amount of information necessary to -
    - (i) prevent duplicate voter registrations; and
    - (ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;
  - (C) shall include a statement that -
    - (i) states each eligibility requirement (including citizenship);
    - (ii) contains an attestation that the applicant meets each such requirement; and
    - (iii) requires the signature of the applicant, under penalty of perjury;
  - (D) shall include, in print that is identical to that used in the attestation portion of the application -
    - (i) the information required in section 8(a)(5) (A) and (B);

- (ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and
  - (iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes, and
- (E) shall be made available (as submitted by the applicant or in machine readable or other format) to the appropriate State election official as provided by State law.
- (d) **CHANGE OF ADDRESS.** - Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.
- (e) **TRANSMITTAL DEADLINE.** -
  - (1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election office not later than 10 days after the date of acceptance.
  - (2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

## **SEC. 6. MAIL REGISTRATION.**

**(a) FORM. -**

- (1)** Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.
- (2)** In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.
- (3)** A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

**(b) AVAILABILITY OF FORMS. -**The chief State election official of State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

**(c) FIRST TIME VOTERS. -**

- (1)** Subject to paragraph (2), a State may by law require a person to vote in person if -
  - (A)** the person was registered to vote in a jurisdiction by mail; and
  - (B)** the person has not previously voted in that jurisdiction.
- (2)** Paragraph (1) does not apply in the case of a person -
  - (A)** who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);
  - (B)** who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee- 1(b)(2)(B)(ii)); or

- (C) who is entitled to vote otherwise than in person under any other Federal law.
- (d) UNDELIVERED NOTICES. - If a notice of the disposition of a mail voter registration application under section 8(a)(2) is sent by nonforwardable mail and is returned undelivered, the registrar may proceed in accordance with section 8(d).

## **SEC. 7. VOTER REGISTRATION AGENCIES.**

### **(a) DESIGNATION. -**

- (1) Each State shall designate agencies for the registration of voters in elections for Federal office.
- (2) Each State shall designate as voter registration agencies -
  - (A) all offices in the State that provide public assistance; and
  - (B) all offices in the State that provide State-funded programs primarily engaged in providing services to person with disabilities.
- (3) (A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.
  - (B) Voter registration agencies designated under subparagraph (A) may include -
    - (i) schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, unemployment compensation offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and
    - (ii) Federal and nongovernmental offices, with the agreement of such offices.



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- (4) (A) At each voter registration agency, the following services shall be made available:
  - (i) Distribution of mail voter registration application forms in accordance with paragraph (6).
  - (ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.
  - (iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.
- (B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.
- (5) A person who provides service described in paragraph (4) shall not -
  - (A) seek to influence an applicant's political preference or party registration;
  - (B) display any such political preference or party allegiance;
  - (C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or
  - (D) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.
- (6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall -

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- (A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance -
  - (i) the mail voter registration application form described in section 9(a)(2), including a statement that -
    - (I) specifies each eligibility requirement (including citizenship);
    - (II) contains an attestation that the applicant meets each such requirement; and
    - (III) requires the signature of the applicant, under penalty of perjury; or
  - (ii) the office's own form if it is equivalent to the form described in section 9(a)(2), unless the applicant, in writing, declines to register to vote;
- (B) provide a form that includes -
  - (i) the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?"
  - (ii) if the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

- (iii) boxes for the applicant to check to indicate whether the applicant would like to register or decline to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of subparagraph (C)), together with the statement (in close proximity to the boxes and in prominent type), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";
  - (iv) the statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application in private."; and
  - (v) the statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with \_\_\_\_\_," the blank being filled by the name, address, and telephone number of the appropriate official to whom such a complaint should be addressed; and
- (C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.
- (7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

- (b) **FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.** - All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.
- (c) **ARMED FORCES RECRUITMENT OFFICES.** -
  - (1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.
  - (2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this Act.
- (d) **TRANSMITTAL DEADLINE.** -
  - (1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official no later than 10 days after the date of acceptance.
  - (2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

**SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.**

- (a) **IN GENERAL.** - In the administration of voter registration for elections for Federal office, each State shall -
  - (1) ensure that any eligible applicant is registered to vote in an election -

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- (A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;
  - (B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;
  - (C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by the State law, before the date of the election; and
  - (D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;
- (2) require that appropriate State election official to send notice to each applicant of the disposition of the application;
  - (3) provide that the name of a registrant may not be removed from the official list of eligible voters except -
    - (A) at the request of the registrant,
    - (B) as provided by State law, by reason of criminal conviction or mental incapacity; or
    - (C) as provided under paragraph (4);

- (4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of -
    - (A) the death of a registrant; or
    - (B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);
  - (5) inform applicants under sections 5,6, and 7 of -
    - (A) voter eligibility requirements; and
    - (B) penalties provided by law for submission of a false voter registration application; and
  - (6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.
- (b) **CONFIRMATION OF VOTER REGISTRATION.** - Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office -
  - (1) shall be uniform, nondiscriminatory, and in compliance with the Voting Right Act of 1965 (42 U.S.C. 1983 et seq.); and
  - (2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.
- (c) **VOTER REMOVAL PROGRAMS.** -
  - (1) A State may meet the requirement of subsection (a)(4) by establishing a program under which;
    - (A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and
    - (B) if it appears from information provided by the Postal Service that -

- (i) a registrant has moved to a different jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid preaddressed return form by which the registrant may verify or correct the address information; or
  - (ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.
- (2) (A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the name of ineligible voters from the official lists of eligible voters.
- (B) Subparagraph (A) shall not be construed to preclude
  - (i) the removal of name from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or
  - (ii) correction of registration records pursuant to this Act.
- (d) REMOVAL OF NAMES FROM VOTING ROLLS. -
  - (1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant -
    - (A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or
    - (B) (i) has failed to respond to a notice described in paragraph (2); and

- (ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.
- (2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:
  - (A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.
  - (B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.
- (3) A Voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.



(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD -

- (1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.
- (2) (A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant -
  - (i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or
  - (ii) (I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or
  - (II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

- (B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(i) or (A)(ii)(II), voting at the other locations described in subparagraph (A) need not be provided as options.
- (3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.
- (f) **CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.** - In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).
- (g) **CONVICTION IN FEDERAL COURT.** -
  - (1) On the conviction of a person of a felony in a district court of the United States, the United State attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.
  - (2) A notice given pursuant to paragraph (1) shall include -
    - (A) the name of the offender;
    - (B) the offender's age and residence address;
    - (C) the date of entry of the judgement;
    - (D) a description of the offenses of which the offender was convicted; and
    - (E) the sentence imposed by the court.

- (3) On the request of the chief State election official of the State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offenses of which the offender was convicted.
  - (4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.
  - (5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.
- (h) REDUCED POSTAL RATES. -
- (1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

§3629. Reduced rates for voter registration purposes

"The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993."
  - (2) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out "and 3626(a)-(h) and (j)-(k)" of this title, and inserting in lieu thereof "3636(a)-(h), 3626(j)-(k), and 3629 of this title".
  - (3) Section 3627 of title 39, United States Code, is amended by striking out "or 3626 of this title," and inserting in lieu thereof "3626, or 3629 or this title".

- (4) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:  
"3629. Reduced rates for voter registration purposes."

(i) **PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES. -**

- (1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.
- (2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) **DEFINITION. -** For the purposes of this section, the term "registrar's jurisdiction" means -

- (1) an incorporated city, town, borough, or other form of municipality;
- (2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or
- (3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

## **SEC. 9. FEDERAL COORDINATION AND REGULATIONS.**

**(a) IN GENERAL. - the Federal Election Commission -**

- (1)** in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);
- (2)** in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;
- (3)** not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms and other matters affected by this Act; and
- (4)** shall provide information to the States with respect to the responsibilities of the State under this Act.

**(b) CONTENTS OF MAIL VOTER REGISTRATION FORM. - The mail voter registration form developed under subsection (a)(2) -**

- (1)** may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;
- (2)** shall include a statement that -
  - (A)** specifies each eligibility requirement (including citizenship);
  - (B)** contains attestation that the applicant meets each such requirement; and
  - (C)** requires the signature of the applicant, under penalty of perjury.

- (3) may not include, in print that is identical to that used in the attestation portion of the application -
  - (i) the information required in section 8(a)(5) (A) and (B);
  - (ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and
  - (iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

#### **SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.**

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

#### **SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.**

- (a) **ATTORNEY GENERAL.** - The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.
- (b) **PRIVATE RIGHT OF ACTION.** -
  - (1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.
  - (2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

- (3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).
- (c) **ATTORNEY'S FEES.** - In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.
- (d) **RELATION TO OTHER LAWS.** -
  - (1) the right and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).
  - (2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

## **SEC. 12. CRIMINAL PENALTIES.**

A person, including an election official, who in any election for Federal office -

- (1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for -
  - (A) registering to vote, or voting, or attempting to register to vote;
  - (B) urging or aiding any person to register to vote, to vote, or to attempt to register to vote; or
  - (C) exercising any right under this Act; or
- (2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by -

## Attachment 1

- (A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or
- (B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United States Code), notwithstanding any other law), or imprisoned not more than 5 years or both.

### SEC. 13. EFFECTIVE DATE.

This Act shall take effect -

- (1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on the later of -
  - (A) January 1, 1996; or
  - (B) the date that is 120 days after the date by which under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and
- (2) with respect to any State not described in paragraph (1), on January 1, 1995.

Approved May 20, 1993.



## **CHAPTER TWO**

# **VOTER REGISTRATION**

**AT**

**DMV FIELD OFFICES**

## **CHAPTER TWO**

### **Voter Registration at DMV Field Offices**

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Attachments

# **DEPARTMENT OF MOTOR VEHICLES**

## **VOTER REGISTRATION AT**

### **DMV FIELD OFFICES**

This section primarily addresses those applications or change of address forms received at one of DMV's field offices as a result of an in-person transaction at that office.

For a list of field offices in your county, please see Attachment H.

#### **I. NVRA REQUIREMENTS FOR DMV VOTER REGISTRATION**

The National Voter Registration Act of 1993 (NVRA) requires that individuals be given the opportunity to register to vote, or to change their voter registration data, when applying for or renewing a driver license or personal identification card issued by the DMV. [Section 5(a)].

Information regarding an individual's failure to sign the voter registration application cannot be used for any purpose other than voter registration. [Section 5(b) and Section 5(c)(2)(D)(ii)].

The office at which an applicant submits a voter registration application must remain confidential and may be used only for voter registration purposes. [Section 5(c)(2)(D)(iii)].

Any change of address form submitted for a driver license or ID card also serves as a notice of change of address for voter registration purposes unless the individual indicates otherwise on the change of address form. [Section 5(b)].

Please refer to Chapter 3 of this implementation guidebook on "Procedures for Automatic Transmission of DMV Address Changes" for more information on the process for change of address.

## II. DEPARTMENT OF MOTOR VEHICLES FORMS AND PROCEDURES

### A. ORIGINAL APPLICATIONS FOR DRIVER LICENSE OR I.D.

Any person applying for a driver license or California State Identification Card for the first time must come in person to a DMV field office and complete the required forms. DMV requires this in-person application because they need to take the applicant's picture, check their "legal presence" (not the same thing as citizenship), and for other reasons.

Examples of persons applying for these documents for the first time would be: (a) persons who turn 16 and can legally drive a car; (b) persons who have moved to California from another state or country.

Any person who has changed his or her name and needs to make this change on their driver's license or ID card also must appear in person at a field office. To complete a name change, a new driver license application is required.

Persons applying for a new driver license, state ID card, or who are changing their name, are given a **two-page** form (available in English or Spanish). The two pages are joined (glued) at the top with a tear-off tab. The first page of the form is the driver license application. This portion of the form is completed by the applicant and remains with DMV. The second page is the form to register to vote, with instructions.

#### 1. PAGE ONE --- THE DRIVER'S LICENSE APPLICATION

- This is an 8½ x 11 inch form, and is referred to as a "DL 44." A copy of the entire form is attached (Attachment A). The form includes a section on voter registration (see below).

<b>DO YOU WISH TO REGISTER TO VOTE OR UPDATE VOTER RECORD?</b>	<b>CHECK ONE BOX ONLY. Complete the attached form when checking box "Y" or "C" only.</b> Y <input type="checkbox"/> First voter registration or a voter registration change (i.e., name change or political party change). N <input type="checkbox"/> I do not wish to register to vote or to change my voter registration address. C <input type="checkbox"/> Please update my voter registration address record to a new county. S <input type="checkbox"/> Please update my voter registration address record within the same county.
--	--

- Near the top of the form, on the left hand side, is the question: "Do you wish to register to vote or update your voter record?" It is the responsibility of the DMV employee to make sure that this part of the form is completed by the applicant.

- The applicant has the choice of 4 responses to this question. The DMV employee is required to make sure that the applicant does check a box.
  - a. **YES** --- If the applicant checks this box, he or she is directed to complete Page Two, the attached voter registration form. The DMV employee is to prompt any applicant who checks this box to also complete the voter registration form.
  - b. **NO** --- The applicant may decline to register to vote by checking this box.
  - c. **I HAVE MOVED TO A NEW COUNTY AND WISH TO UPDATE MY VOTER RECORD** --- A person who is already a registered voter is directed to check the box marked "C" and to complete the affidavit of registration, since the new address is in a new jurisdiction, and the elections official needs the voter's signature and other information. The "C" is an indicator for DMV key data entry and will be used for recordkeeping purposes. DMV provides this information to county election officials on statistical reports and on address transmissions.
  - d. **I HAVE MOVED TO A NEW ADDRESS IN THE SAME COUNTY AS MY OLD ADDRESS** --- This section also applies only to persons who are already registered to vote. In this case, the voter is instructed to check the box marked "S" and to not complete an affidavit of registration. The DMV automatically forwards to the elections official in the voter's county of residence a listing of all in-county address changes, which the elections official shall use to update the voter's record.
- If the voter does not know if he or she has moved to an address in the same county, or to an address in another county, he or she is instructed by the DMV employee to complete a voter registration form. This "default" procedure ensures that if there is any doubt the election official will receive a VRC in addition to the address change information from DMV. It may also mean that the elections official may receive both a completed VRC and an electronic (magnetic tape or paper) record of an address change.

## **2. PAGE TWO --- THE APPLICATION TO REGISTER TO VOTE**

- This is an 8½ x 11 inch form, and is separable from page 1 by a perforation, which divides the instructions from the regular-sized affidavit of registration.
- The affidavit portion of page two is in all ways the same as a "regular" VRC, with the following exceptions:
  - a. It is not on card stock. It is on regular 24# bond paper.
  - b. It is not returnable through the mail. It is not a postcard, and DMV collects it from the applicant at the DMV office for return to your office.
  - c. The affidavit numbers all begin with the number "70" instead of your usual county code.
  - d. DMV is printing only one generic voter registration form, so Box 10 will not include any "county specific" information, including questions about minority language materials, solicitations for pollworkers, etc.
  - e. There is no "receipt stub" on the DMV form.
- The VRC is printed in three colors, just as your normal VRC's are now, so that: (1) the warnings and other important language are in red ink, and (2) the signature area of the form is bounded by an OCR (Optical Character Recognition) Green ink to facilitate scanning.

## **3. ASSISTANCE BY DMV EMPLOYEES**

- DMV employees provide limited assistance to persons who wish to fill out the voter registration form. They check to make sure that the person completes a registration form if they check a box on the driver's license application indicating they wish to register, or change address from one county to another and they review the form for completeness and legibility so that all required elements of the form are completed. DMV employees are **not** required to sign the voter registration form as the person assisting the registration.

- DMV is required to verify, as a condition of issuance of an original license or identification card, an applicant's "legal presence" in the United States. While this is not the same as "citizenship", it does require the driver license or identification card applicant to furnish proof of legal presence in this country. If the applicant presents a document which does not confirm citizenship and completes a voter registration form, the DMV employee repeats the eligibility requirements to the applicant. If the applicant still desires to submit the completed voter registration form, the DMV employee "flags" the VRC by placing a "US" on the top right hand corner of the voter registration form.

In any case, elections officials should not interpret this "flag" as conclusive proof of noncitizenship and should not cancel these registrations based on this information alone. However, elections officials should refer these flagged registrations to the Secretary of State for investigation.

- A person is eligible to apply for a driver license when he or she is 16 years of age, but is not eligible to register to vote until age 18. The employee also indicates to 16- and 17-year old applicants that they are not eligible to vote unless they will be 18 by the time of the next election. The DMV employee does not necessarily know the date of the next election.

If the date of birth on the DMV application, or on the applicant's birth verification document (for original applications only), does not match the date of birth on the voter registration card, the technician again flags this in the top right hand corner of the VRC.

- The DMV employee will not know the answers to all the questions which potential applicants may ask. They have been instructed to refer applicants to county elections officials for further information.



DMV has a "Fast Facts" brochure available at their public counter which provides information on how to register to vote at DMV. These brochures include an 800 number to call for more information. These numbers are maintained by the Secretary of State's Office, and callers are sent registration forms in the language (English, Chinese, Japanese, Spanish, Tagalog, Vietnamese) they request. The brochure also provides answers to commonly asked questions about registering to vote.

- The DMV employee, in those counties subject to the minority language requirements of the Voting Rights Act, if it appears necessary or upon request of the applicant, provides a form to register to vote in one of the Voting Rights Act minority languages appropriate for that county.
- The DMV employee, after checking to see that the registration form is completely and legibly filled out, sets aside the voter registration for return to the elections official. Applicants are **not** permitted to take the registration portion of the form from the office. If the applicant wishes to take a form to register to vote home in order to complete the form, the applicant is given a regular voter registration (postcard) form, and the DMV employee records this as a "declination" to register to vote.

## **B. RENEWAL APPLICATIONS**

Individuals completing driver license renewal applications may also register to vote or update their voter record. Individuals may, depending on their personal circumstance and DMV requirements, renew their license either in person or by mail by completing one of the following forms (see samples B, C, and E):

### **(1) In person renewal**

- a. **Form DL 73:** This is a "Congratulations Letter/Renewal Application" which is mailed to licensed drivers who need to renew, who have good driving records, but have renewed by mail more than 2 consecutive times previous to this renewal. These people must renew in person at a DMV field office.

- b. **Form DL 1RN:** This letter is sent to drivers who need to renew, who have a poor driving record, or who must also appear in person at a DMV office in order to clear outstanding violations.
- Individuals required to renew their driver license in person may indicate on the application that they wish to register to vote. These people are then provided with a form to register to vote when they come into the DMV field office.

This form is also printed on 24 pound bond paper, not card stock. In addition, it is printed in English on one side and Spanish on the other. If the individuals fail to bring their renewal notices to the field office, they complete an original application instead, along with the attached voter registration card previously described (See Attachment A).

## **(2) Renewal by mail**

- **Form DL 6:** This is a renewal by mail notice. Persons who receive this notice are persons who need to renew, who have good driving records, and who have not renewed by mail 2 consecutive times immediately previous to this notice.
- These persons are mailed a regular voter registration card with their renewal notice. Since the DMV has no way of targeting these mailings by county, this is the Secretary of State's "generic" registration form which is returnable to the Secretary of State.
- This voter registration form is identical to the form used for in-person registration, except that it is printed on card stock, is returnable through the mail, and has the return address of the Secretary of State printed on the reverse side. The registrant mails the voter registration form directly to the office of the Secretary of State.
- A voter may inadvertently fold the completed registration application and return it to DMV with the license renewal application material. In this case, DMV forwards the affidavit to the Secretary of State for forwarding to the appropriate county elections office.

- A voter who wishes to change his or her address may **both** indicate this change on the driver license portion of the form, **and** complete and return the registration form. In this circumstance, the elections official may receive **both** a completed registration form **and** notice of the change of address from DMV.
- Although the long-term trend and intention of DMV is to increase the number of renewals done through the mail, DMV is currently converting driver licenses and ID cards to include magnetic strip information so, for the next few years, more individuals will be required to renew in person. Currently, about half of all renewal applications are processed in person, and half by mail.

## C. CHANGES OF ADDRESS

### 1. Notice of Change of Address

An individual may update his or her DMV address record by completing a "Notice of Change of Address" [DMV 14].

This form includes the statement: "FOR REGISTERED VOTERS ONLY. This form will be used to change your voting address unless you check the box below. If you have moved to a new county you must re-register. If you are at DMV, please obtain a voter registration card, or you may call 1-800-345-VOTE."

---

#### FOR REGISTERED VOTERS ONLY

Voter Record  
(Use only with  
DL Change of  
Address)

This form will be used to change your voting address unless you check the box below. If you have moved to a new county you must reregister. If you are at DMV, please obtain a voter registration card, or you may call 1-800-345-VOTE.

☐

No, I do not want you to change my voting address.

---

DMV receives nearly one million Notice of Change of Address forms annually, 98% of which are received via the mail or placed in a drop box at a field office. DMV codes these address changes to indicate to elections officials that the applicant has **not** received a VRC. See Chapter Three for more information.

The Secretary of State, and the DMV, may eventually automate this process through establishment of a direct electronic connection from DMV to a statewide voter file.

DMV makes available registration forms in English and Spanish. In addition, field offices in minority language counties stock the county voter registration forms in the applicable languages. If the applicant wishes a form in a language other than those available at the field office, he or she is provided with 800 numbers for that purpose.

If the voter has moved to a new address in the same county as his or her old address, his or her voter registration is "automatically" updated without having to fill out a new registration form. DMV sends the change of address information to the elections official, either on magnetic tape or on paper, at the preference of the county.

If the voter has moved to an address in a new county, the form instructs the voter that he or she must re-register and to either obtain a registration form from the DMV office, or call an 800# to obtain the form.

If the applicant does not place a check mark in the box indicating that he or she does not want to update his or her voting address DMV assumes that the applicant wishes to update his or her voter record. DMV forwards this information to the elections official.

The DMV computer program compares the county code of the residence address currently on the DMV database against the county code of the new address being input. If the county codes are the same, a record is sent to that county with the old and new addresses. If the county codes are different, a record of the old and new addresses is sent to both counties, and the "new" county will send a voter registration card to the voter.

## **2. Driver's License/ID Card Applications**

- A registered voter may change his or her voting address during the process of applying for his or her driver license or I.D. card.
- The driver license renewal notice mailed by DMV also includes a form to register to vote so that, in addition to checking the box on the DMV renewal form, the individual also has the option of completing and returning a voter registration form. As noted above, the registration form will be return addressed to the Secretary of State's Office, and will be forwarded from there to the county elections office.

#### **D. REPORTS FROM THE DMV**

DMV sends **monthly** statistical reports to each county elections office detailing the number of declinations, registrations, and intra- and inter-county changes of address received by the department on both a monthly and last 12-months basis.

A similar statewide report is sent to the Office of the Secretary of State.

### **III. RECEIPT OF VRC'S AND PROCESSING BY THE COUNTY ELECTIONS OFFICIAL**

#### **A. Incoming NVRA Registration Forms**

##### **1. Sources**

- a. Local DMV Field Offices:** See attached list (Appendix H) for offices in your county. They forward all VRC's completed as a result of "in person" transactions completed in their offices, including minority language forms.

These forms are not on card stock, but are instead printed on regular 24# bond paper.

**NOTE:** The telephone numbers listed for DMV offices are unlisted numbers. **DO NOT** release these numbers to the public. Public numbers are listed in the local telephone directory.

- b. Secretary of State:** The SOS forwards to the appropriate county election official mail-in voter registration forms which individuals have completed and mailed in conjunction with their Renewal by Mail applications from DMV.
- c. Other counties:** Each DMV field office forwards all VRC's it receives to the elections office in the county in which the DMV office is located. This means that county elections offices may receive completed VRC's from persons who live in another county. These registrations must be forwarded to the appropriate county.

## **2. Method/Frequency of Transmittal**

- a. **Department of Motor Vehicles:** DMV forwards all affidavits received in field offices to county elections offices on a daily basis. The VRC's are bundled in a large envelope or other container and sent by priority mail. Elections offices may work out alternate arrangements with their local DMV field offices for the transmittal of VRC's.
- b. **Secretary of State:** The SOS will, in general, also sort and forward all affidavits of registration received on a daily basis. However, since the SOS can track local election dates, there may be times when affidavits are forwarded on a weekly rather than a daily basis.

The frequency with which other election offices forward DMV VRC's completed by out-of-county residents will vary according to each office's policy or practice. Each county may want to contact the elections offices in its surrounding counties to arrange for specific transmittal methods/frequencies.

## **3. Processing NVRA Registration Forms**

- a. The forms you receive from DMV field offices are not on card stock.
- b. DMV employees check to make sure the VRC's are completely filled out and signed by the applicant.
- c. If the applicant presents an INS document which does not confirm citizenship, this information is indicated on the VRC (see Section II(3) above).
- d. For record keeping and reporting purposes, you must track the number of registrations received from DMV, after subtracting out those which you forward to other counties (please see Chapter Seven: Record Keeping and Reporting).

- e. For each registration, you must generate a Voter Notification Card. Under the federal law, and unlike current procedure, if you receive a notification card back as undeliverable, you may **not** cancel the voter. Instead, you must mail the voter a notice (see the section of this **guidebook** describing the purge process) and place the voter in an "inactive" file.

#### **IV. AREAS OF ADMINISTRATIVE CONCERN WITH NVRA REGISTRATIONS**

- A. **Sixteen and seventeen year olds:** Since an individual only has to be 16 years of age to apply for a driver's license, you may receive some registrations from persons who are too young to register to vote. These registrations should not be accepted. You may want to send persons who are too young to register but who complete an affidavit of registration a notice informing them of the eligibility requirements for voting.

- B. **Noncitizens:** An individual does not have to be a citizen to obtain a driver license.

DMV is required to obtain proof of "legal presence" in California as a condition of issuance of an original driver license or ID card only. However, an individual can legally reside in California without being a citizen. The majority of DMV's driver license/ID card workload is renewals. Because of penalty provisions in the NVRA, DMV "flags" registrations for which they have an indication that the applicant may not be a citizen (see Section II(3) above).

- C. **Change of address information:** Many persons may not know which county they live in. Consequently, when they are asked on the driver license portion of the form if they are moving "in county" or to "another county" they may make the wrong choice. The result is that, elections officials may receive some registrations unnecessarily, and not receive others.

- D. **Late registrations:** The NVRA states that a person's registration, if otherwise valid, is effective the day he or she fills it out at a DMV office. For example, if an individual completes a registration on the 29th day, it is received in the elections office on the 25th day, must be forwarded to another county, where it is received on the 15th day, that voter must be permitted to vote in the election. This may also be a problem with VRC's completed during DMV's mail renewal process, since these VRC's will be sent first to the Secretary of State, and forwarded to the appropriate county. The increased handling and sometimes long postal delivery times

may substantially delay some of these registrations from timely receipt by elections officials. Each county should: (1) expect an increase in the number of late registrations, and (b) plan for incorporating these persons as voters onto rosters and other documents.

- E. **Zip code address:** The DMV application for a driver license asks for (1) mailing address and (2) residence address if different. If the applicant provides both a residence and a mailing address, DMV only inputs the zip code for the mailing address. This may cause problems in precincting voters using change of address information supplied to your office by the DMV.
- F. **Driver's License Number:** Although the registration forms completed through DMV request a driver license number, those persons who are applying for a license for the first time will not know their number until after the initial phase of the application process is completed. Upon completion, the DMV technician informs the applicant of their driver license/ID card number so that they may place it on the voter registration form should they desire to do so.
- G. **Minority languages:** DMV makes available registration forms in English and Spanish. In addition, any voter from any county is able to call an 800 number to request a form to register to vote in Chinese, Vietnamese, Japanese, and Tagalog. This means that all counties may receive minority language affidavits in any of these languages, even if the county has no requirement to provide materials in any of these languages. Since the forms are slightly different, this may require adaptations to optical scanning or other processing procedures. The Secretary of State will provide each county elections office with minority language VRC's. The elections official will, in turn, supply these forms as necessary to local DMV field offices.
- H. **Mobile units:** Some counties do not have DMV field offices, but are instead served by a "travel run". Processing requirements are the same for travel runs. The voter registration forms are separated from applications and placed in the designated area at the home office upon return to the office.
- I. **Provisional ballots:** There may be an increase in the number of provisional ballots cast due to several of the provisions of the NVRA. In the case of voters who claim that they registered at DMV field offices, the DMV will have a record generated from the license application indicating whether the person registered or declined to register.



County elections officials should apply for a "Requestor Code" from DMV in order to determine, during the official canvass, if a person who claims to have registered or changed address at DMV did in fact do so. These voters will have voted provisional ballots.



# Application for Driver License, Identification Card, or Name Change

Present this form in person. Please print carefully. Use black or blue ink only. Information regarding current licensing requirements and fees are in the latest edition of the *California Driver Book*, *Commercial Driver Handbook*, and supplements. **ONCE THIS APPLICATION FORM HAS BEEN SUBMITTED, NO REFUNDS WILL BE MADE.**

## FOR DMV USE ONLY

BD/LP Doc Code \_\_\_\_\_

Initials \_\_\_\_\_

**DL SECURITY  
EXPIRATION (DL and ID)**

(SSN is required before any original identification card application is started.)

(SSN is verified before any original commercial driver license application is started.)

**DO YOU WISH TO  
REGISTER TO  
VOTE OR UPDATE  
YOUR VOTER RECORD?**

CHECK ONE BOX ONLY. Complete the attached form when checking box "Y" or "C" only.

Y ☐ First voter registration or a voter registration change (i.e., name change or political party change).N ☐ I do not wish to register to vote or to change my voter registration address.C ☐ Please update my voter registration address record to a new county.S ☐ Please update my voter registration address record within the same county.

**APPLICATION  
FOR  
DRIVER LICENSE**

Enter California driver license number, if any \_\_\_\_\_ Expires in \_\_\_\_\_

CHECK APPROPRIATE BOX:

☐ Original ☐ Renewal ☐ Duplicate ☐ Name Change ☐ Add Endorsement ☐ Remove Restriction

## CLASS OF LICENSE REQUESTED

☐ C - Basic class and/or Fifth-Wheel Recreational Trailer Endorsement☐ C - Class C vehicle transporting hazardous materials/wastes with placards/markings☐ M1 - 2-Wheel Motorcycle or motor driven cycle.☐ M2 - Motorized bicycle, moped, or any bicycle with an attached motor.☐ A - Combination of vehicles; towing trailers over 10,000 lbs. GVWR used in commerce☐ A - Noncommercial Trailers (i.e., livestock, travel trailer, or recreational boat trailer)☐ B - One vehicle 26,001 lbs. GVWR or more; or a vehicle designed, used, or maintained to carry more than 15 persons including the driver (except vanpool vehicles); or 10 persons if used for compensation or profit, or by a non-profit organizationIs the vehicle equipped with air brakes? ..... ☐ Yes ☐ NoAre any of the above fire fighting equipment? ..... ☐ Yes ☐ No

## ENDORSEMENTS REQUESTED:

☐ Passenger Transportation☐ Doubles/Triples☐ Tank Vehicle☐ Hazardous Materials/Wastes

REMINDER: If you have a special certificate, be sure it is current. If not, tell the DMV employee.

Check the box if you will be driving either of the following:

☐ Tour Bus ☐ Transit Bus

**APPLICATION FOR  
IDENTIFICATION  
CARD**

Enter California ID card number, if any \_\_\_\_\_ Expires in \_\_\_\_\_

CHECK APPROPRIATE BOX:

☐ Regular ☐ Senior Citizen (Age 62 or older)

**NAME AND  
ADDRESS  
INFORMATION  
FOR ALL  
APPLICANTS**

## TRUE FULL NAME:

FIRST

MIDDLE

LAST

SUFFIX (JR., SR., III)

## ADDRESS:

MAILING ADDRESS

APT/SPACE NUMBER

CITY

STATE ZIP CODE

RESIDENCE ADDRESS (IF DIFFERENT FROM ABOVE ADDRESS) APT/SPACE NUMBER

CITY

STATE ZIP CODE

**PERSONAL  
INFORMATION**

SEX

HAIR COLOR

EYE COLOR

HEIGHT

WEIGHT

DATE OF BIRTH

MONTH

DAY

YEAR

**REQUIRED  
INFORMATION  
FOR ALL  
APPLICANTS**

1. Have you ever applied for or been issued a ☐ Driver License, ☐ Instruction Permit, or an ☐ Identification Card from another state or country? ..... ☐ Yes ☐ No

If so, please enter the state or country and the expiration date here: \_\_\_\_\_

2. Have you ever applied under a different name within the last seven years? ..... ☐ Yes ☐ No

If yes, print the other name(s): \_\_\_\_\_

(1/12/95)

Please turn this form over to continue

## ADVISORY STATEMENT

Information required on this form pertains to eligibility for and issuance of a driver license. It is required under the authority of Division 6 of the California Vehicle Code. Failure to provide information is cause for refusal to issue a driver license, or, in some cases, cancellation or withdrawal of the driving privilege.

Information made confidential (medical information is confidential by law) or exempted under the Public Records Act, this information is a public record and is regularly used by law enforcement agencies and insurance companies. Access to address information is now restricted, and will be available to various authorized requesters for limited use. Individuals can review copies of their own information during regular office hours.

The Manager of the Office of Information Services, 2570 - 24th Street, Sacramento, CA 95818 [Phone: (916) 657-8098], is responsible for maintaining this information.

**DRIVER LICENSE  
AND PERMIT  
APPLICANTS  
ONLY**

*The answers to questions 3, 4, and 5 below are for the confidential use of the DMV*

3. Within the last three years, have you experienced a lapse of consciousness or control or had any disease, disorder, or disability which affected your ability to exercise reasonable and ordinary control in operating a motor vehicle? ..... ☐ Yes ☐ No  
If yes, briefly explain : \_\_\_\_\_
4. Have you had a change in your vision which cannot be corrected with glasses or corrective contact lenses and which could affect your ability to drive safely? ..... ☐ Yes ☐ No
5. Are you addicted to narcotics and/or alcohol or a habitual user of any drug rendering you incapable of driving safely? ..... ☐ Yes ☐ No
6. Have you ever had your driving privilege or a license canceled, refused, suspended, or revoked? . ☐ Yes ☐ No  
If yes, briefly explain \_\_\_\_\_
7. Do you wear corrective contact lenses or glasses? ..... ☐ Yes ☐ No

**CHEMICAL TEST  
DISCLOSURE**

I agree to submit to a chemical test of my blood, breath, or urine for the purpose of determining the alcohol or drug content of my blood when testing is requested by a peace officer acting in accordance with Vehicle Code §23157.

**STATEMENT  
FOR DRIVERS  
UNDER 21  
YEARS OF AGE**

By signing this application, you acknowledge notification of the following information: It is illegal for anyone under age 21 to drive with a blood alcohol concentration (BAC) of 0.01 percent or greater. It is also illegal to refuse to take, or fail to complete, a preliminary alcohol screening test for determining the level of alcohol as required by VC§23137. The penalty of violating either of these provisions is a one-year suspension of the driving privilege. A \$100 reissue fee is required after suspension for reinstatement of the driving privilege. This fee is in addition to any other application fees required for reissuance of the driver license.

**SOCIAL  
SECURITY  
NUMBER  
COLLECTION  
DISCLOSURE**

Authority to collect the social security number is 42 U.S.C. 405 and California Vehicle Code §1653.5, §4150, §4150.2, §12800, and §12801. It will be used in the administration of driver license laws and motor vehicle registration laws and to respond to requests for information from the Franchise Tax Board for tax administration and from any agency operating pursuant to 42 U.S.C. 601 et seq. It will be used to aid in the collection of monies owed in connection with failure to pay fines or failure to appear in court by an applicant, and to aid in the collection of monies owed by an applicant in connection with Aid to Families with Dependent Children, Child Support, and Establishment of Paternity.

You are required by law to provide your SSN or your application will be denied.

**CDL  
CERTIFICATION**

- ☐ I expect to operate in interstate or foreign commerce and I meet the qualifications contained in Part 391 of the Federal Motor Carrier Safety Regulations (FMCSR).
- ☐ I do not expect to operate in interstate or foreign commerce and I am not subject to Part 391 FMCSR.

**MAILING  
ADDRESS  
CERTIFICATION**

I am the person whose name appears on the front of this form. The mailing address shown is valid, existing, and accurate. I consent to receive service of process at this mailing address pursuant to §415.20(b), §415.30(a), and §416.90 of the Civil Procedure Code.

**PERSONS  
ACCEPTING  
LIABILITY FOR  
APPLICANTS  
UNDER 18 YEARS  
OF AGE**

**ACCEPTANCE OR ASSUMPTION OF LIABILITY FOR APPLICANTS UNDER 18 YEARS OF AGE**

The person(s) signing this form certifies under penalty of perjury that:

- He or she is age 18 or over and is a resident of the State of California.
- He or she has full custody of and consents to the issuance of an original or duplicate driver license to the applicant named on this form.
- He or she assumes the liability specified in Vehicle Code §17707 through §17710.
- All statements made on this form are true and correct.

**NOTE:** If both parents/guardians have joint custody, both must sign. If only one person has custody, that person must write "I have sole custody" in the box below and sign this application.

--

MOTHER'S/GUARDIAN'S SIGNATURE	DATE	DAYTIME TELEPHONE NUMBER
RESIDENCE ADDRESS	APT/SPACE NUMBER	CITY STATE ZIP CODE
FATHER'S/GUARDIAN'S SIGNATURE	DATE	DAYTIME TELEPHONE NUMBER
RESIDENCE ADDRESS	APT/SPACE NUMBER	CITY STATE ZIP CODE

**PERJURY  
STATEMENT**

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

**SIGNATURE**

**Do not sign until instructed to do so by a DMV employee.**

DATE	SIGNATURE OF APPLICANT <b>X</b>	DAYTIME TELEPHONE NUMBER
------	------------------------------------	--------------------------

LICENSE PERMIT APPLICANT'S ONLY	<p><i>The answers to questions 3, 4, and 5 below are for the Commissioner's use only.</i></p> <p>3. Within the last three years, have you experienced a lapse of consciousness or control or had any disease, disorder, or disability which affected your ability to exercise reasonable and ordinary control in operating a motor vehicle? ..... <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, briefly explain : .....</p> <p>4. Have you had a change in your vision which cannot be corrected with glasses or corrective contact lenses and which could affect your ability to drive safely? ..... <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>5. Are you addicted to narcotics and/or alcohol or a habitual user of any drug rendering you incapable of driving safely? ..... <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>6. Have you ever had your driving privilege or a license canceled, refused, suspended, or revoked? . <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, briefly explain .....</p> <p>7. Do you wear corrective contact lenses or glasses? ..... <input type="checkbox"/> Yes <input type="checkbox"/> No</p>																															
AL TEST SURE	I agree to submit to a chemical test of my blood, breath, or urine for the purpose of determining the alcohol or drug content of my blood when testing is requested by a peace officer acting in accordance with Vehicle Code §23157.																															
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CDL CLASSIFICATION	<input type="checkbox"/> I expect to operate in interstate or foreign commerce and I meet the qualifications contained in Part 391 of the Federal Motor Carrier Safety Regulations (FMCSR). <input type="checkbox"/> I do not expect to operate in interstate or foreign commerce and I am not subject to Part 391 FMCSR.																															
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PERSONS ACCEPTING LIABILITY FOR APPLICANTS UNDER 18 YEARS OF AGE	<p><b>ACCEPTANCE OR ASSUMPTION OF LIABILITY FOR APPLICANTS UNDER 18 YEARS OF AGE</b></p> <p>The person(s) signing this form certifies under penalty of perjury that:</p> <ul style="list-style-type: none"><li>• He or she is age 18 or over and is a resident of the State of California.</li><li>• He or she has full custody of and consents to the issuance of an original or duplicate driver license to the applicant named on this form.</li><li>• He or she assumes the liability specified in Vehicle Code §17707 through §17710.</li><li>• All statements made on this form are true and correct.</li></ul> <p><b>NOTE:</b> If both parents/guardians have joint custody, both must sign. If only one person has custody, that person must write "I have sole custody" in the box below and sign this application.</p> <table border="1" data-bbox="227 1260 1477 1606"><tr><td colspan="5" data-bbox="227 1260 1477 1323"></td></tr><tr><td data-bbox="227 1323 852 1386">MOTHER'S/GUARDIAN'S SIGNATURE</td><td data-bbox="852 1323 1161 1386">DATE</td><td colspan="3" data-bbox="1161 1323 1477 1386">DAYTIME TELEPHONE NUMBER</td></tr><tr><td colspan="2" data-bbox="227 1386 730 1449">RESIDENCE ADDRESS</td><td data-bbox="730 1386 933 1449">APT/SPACE NUMBER</td><td data-bbox="933 1386 1258 1449">CITY</td><td data-bbox="1258 1386 1477 1449">STATE ZIP CODE</td></tr><tr><td data-bbox="227 1449 852 1512">FATHER'S/GUARDIAN'S SIGNATURE</td><td data-bbox="852 1449 1161 1512">DATE</td><td colspan="3" data-bbox="1161 1449 1477 1512">DAYTIME TELEPHONE NUMBER</td></tr><tr><td colspan="2" data-bbox="227 1512 730 1575">RESIDENCE ADDRESS</td><td data-bbox="730 1512 933 1575">APT/SPACE NUMBER</td><td data-bbox="933 1512 1258 1575">CITY</td><td data-bbox="1258 1512 1477 1575">STATE ZIP CODE</td></tr></table> <p><b>PERJURY STATEMENT</b> I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.</p> <table border="1" data-bbox="227 1680 1477 1814"><tr><td colspan="3" data-bbox="227 1680 1477 1743"><b>Do not sign until instructed to do so by a DMV employee.</b></td></tr><tr><td data-bbox="227 1743 535 1814">DATE</td><td data-bbox="535 1743 1161 1814">SIGNATURE OF APPLICANT <b>X</b></td><td data-bbox="1161 1743 1477 1814">DAYTIME TELEPHONE NUMBER</td></tr></table>						MOTHER'S/GUARDIAN'S SIGNATURE	DATE	DAYTIME TELEPHONE NUMBER			RESIDENCE ADDRESS		APT/SPACE NUMBER	CITY	STATE ZIP CODE	FATHER'S/GUARDIAN'S SIGNATURE	DATE	DAYTIME TELEPHONE NUMBER			RESIDENCE ADDRESS		APT/SPACE NUMBER	CITY	STATE ZIP CODE	<b>Do not sign until instructed to do so by a DMV employee.</b>			DATE	SIGNATURE OF APPLICANT <b>X</b>	DAYTIME TELEPHONE NUMBER
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DATE	SIGNATURE OF APPLICANT <b>X</b>	DAYTIME TELEPHONE NUMBER																														

**ELIGIBILITY:** In order to register to vote, you must be a citizen of the United States, a resident of the State of California, at least 18 years of age at the time of the next election, and not in prison or on parole for the conviction of a felony. In order to vote in any specific election, you must be registered at least 29 days prior to that election. You will receive a Voter Notification Card confirming your registration.

**YOU SHOULD COMPLETE THIS FORM IF:**

1. You have not been registered to vote before and you wish to become registered to vote, or;
2. You have moved or changed your name since you last registered to vote, and *your new address is not in the same county as your old address.*

**YOU SHOULD NOT COMPLETE THIS FORM IF:**

1. You are already registered to vote at your current address, or;
2. You have moved since you last registered to vote, and *your new address is in the same county as your old address.* (Note: In this case, your voter registration will be updated automatically using the residence address information you provided on your driver's license application.)

**Important! Please Read These Notices Before Completing The Form**

- ✓ In order to ensure your proper registration, please fill the form out **completely and legibly.**
- ✓ Your California driver license or ID card number is optional. You will not be denied the right to register because you did not furnish your driver license or ID card number.
- ✓ Your telephone number (include area code) is optional.
- ✓ Be sure you read the statement and warning above the signature line **before you sign and date the form.** Your signature attests, under penalty of perjury, that the information you have provided is true and correct.
- ✓ Question #9 on the form asks that you indicate with which political party you wish to affiliate. If you do not affiliate with one of the parties listed on the form, you will only be eligible to vote for nonpartisan candidates and state and local measures at a primary election. If you do not wish to affiliate with one of these political parties, you may check "Decline to State" or print the name of an unqualified political party in the space provided.
- ✓ If you do not wish to register to vote, your decision will remain confidential and will be used only for voter registration purposes.
- ✓ If you wish to register to vote, the office where you registered will remain confidential and will be used only for voter registration purposes.
- ✓ Please call one of the following numbers if you or someone you know would like to receive a voter registration form in another language.  
Spanish: 1-800/232-8682; Chinese: 1-800/339-2857; Vietnamese: 1-800/339-8163; Japanese: 1-800/339-2865; Tagalog: 1-800/339-2957.

DL 44-MV (REV. 12/95)

VOTER REGISTRATION		ARE YOU A U.S. CITIZEN? <input type="checkbox"/> Yes <input type="checkbox"/> No <small>If No, Don't Fill Out Or Mail This Form. Use Pen—Please Print Clearly</small>					
1	Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Miss <input type="checkbox"/> Ms. <input type="checkbox"/>	FIRST NAME		MIDDLE NAME	LAST NAME		
	ADDRESS Where You Live (Number, Street, Apt. No.)				City	County	ZIP Code
	If No Street Address, Describe Where You Live. (Cross Streets, Route, Box, Section, Township, Range, Etc.)						
	ADDRESS Where You Get Your Mail (If Different From #2)				City	State	ZIP Code
2	DATE OF BIRTH (month—day—year)		PLACE OF BIRTH (State or Foreign Country)		WARNING: It is a felony if you sign this statement even though you know it is untrue; you can be fined and jailed for up to four years.		
3	CA DRIVER LICENSE OR ID CARD #		TELEPHONE		VOTER DECLARATION —Read and Sign Below.		
4	PARTY REGISTRATION (Check one box)				FOR OFFICE USE ONLY		
5	<input type="checkbox"/> American Independent Party				• I am a U.S. Citizen. I will be at least 18 years old on or before the next election.		
6	<input type="checkbox"/> Democratic Party				• I am not in prison or on parole for a felony conviction.		
7	<input type="checkbox"/> Green Party				• I certify under penalty of perjury under the laws of the State of California that all the information on this form is true and correct.		
8	<input type="checkbox"/> Libertarian Party				12 SIGNATURE—Sign in box below.		
9	<input type="checkbox"/> Natural Law Party				DATE		
10	<input type="checkbox"/> Peace and Freedom Party				70 AV 017020		
11	<input type="checkbox"/> Reform Party				If someone helps you fill out this form, that person must sign and date below:		
12	<input type="checkbox"/> Republican Party				13		
13	<input type="checkbox"/> Decline to State				Name		
14	<input type="checkbox"/> Other (specify) _____				Address		
15	HAVE YOU EVER BEEN REGISTERED TO VOTE? <input type="checkbox"/> Yes <input type="checkbox"/> No				City		
16	If yes, give information from last voter registration form.				County		
17	Name				State		
18	Address				Political Party		
19	City						
20	County						
21	State						
22	Political Party						



## CONGRATULATIONS

If your address is incorrect, please cross out and print your correct address in the area next to your name.

(Bar Code)



Congratulations on your excellent driving record. During the past eight years, you were eligible for two extensions based on this performance. The law, however, only allows a driver license extension two times in a row. You must now renew your driver license at a DMV office.

Please read the enclosed pamphlet *Driver License Renewal* and answer the self-test questions. You may keep the pamphlet, but bring this letter with you to DMV when you renew your license. No other application is required unless you change your class of license.

### RENEWAL APPLICATION—READ CAREFULLY—DO NOT MAIL

Bring this letter, the application fee, and your driver license to any DMV office. Please call your local DMV office to schedule an appointment. A vision test is required. Check your renewal application carefully. If the information is incorrect, cross out and make the necessary corrections in ink. SIGN THIS FORM AT DMV WHEN YOU PAY YOUR FEE.

CHECK ONE BOX ONLY. A voter form will be provided at DMV if you check box "Y" or "C."

- Y ☐ I wish to register to vote for the first time or to make a voter registration change (i.e., name change or political party change).  
N ☐ I do not wish to register to vote or to change my voter registration address.  
C ☐ I wish to update my voter registration address record to a new county.  
S ☐ I wish to update my voter registration address record within the same county.

DRIVER LICENSE #: \_\_\_\_\_ DATE: \_\_\_\_\_ CLASS: C NON-COMML  
SEX: M HAIR: BLK EYES: BLU HEIGHT: 507 WEIGHT: 999 DATE OF BIRTH: 10-01-40

The answer to question 1 below is for the confidential use of the DMV.

1. Have you ever applied for or been issued any of the following documents from California, another state, or another country?  
☐ Driver License ☐ Instruction Permit ☐ Identification Card ..... ☐ YES ☐ NO  
☐ YES ☐ NO
2. Have you ever applied under a different name? ..... ☐ YES ☐ NO
3. Do you have any disease, disorder, disability, or addiction that could impair your ability to safely operate a motor vehicle including episodes of lost consciousness or marked confusion or habitual use of any drug or medication? ..... ☐ YES ☐ NO
4. Since your last renewal, have you developed a vision disorder that cannot be corrected by glasses, corrective contact lenses, or surgery? ..... ☐ YES ☐ NO  
☐ YES ☐ NO
5. Have you ever had your driving privilege or license refused, suspended, or revoked? ..... ☐ YES ☐ NO
- Please explain yes answers to questions 1-5 briefly \_\_\_\_\_

I agree to submit to a chemical test of my blood, breath, or urine for the purpose of determining the alcohol or drug content of my blood when testing is requested by a peace officer acting in accordance with Vehicle Code §23157.

I am the person whose name appears above. The mailing address shown on this form is valid, existing, and an accurate mailing address. I consent to receive service of process at this mailing address pursuant to §415.20(b), §415.30(a), and §416.90 of the Civil Procedure Code. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date \_\_\_\_\_ Signature \_\_\_\_\_



## RENEWAL NOTICE

If your address is incorrect, please cross out and print your correct address in the area next to your name.

(Bar Code)

Your driver license expires on your birthday. Before it can be renewed, you must clear the outstanding citation(s) shown on this notice. Payment for the citation(s) may be accepted by DMV, if indicated. Otherwise, contact the court directly to clear or contest any of the citation(s) shown in this notice. After you have cleared the citation(s) with the court(s), you may apply for a driver license at your local DMV office.

Complete the bottom of this form before you go to DMV. However, do not sign the form until you are told to do so by a DMV employee. No other application is required unless you change your class of license. You will save time if you follow these instructions carefully. The enclosed renewal pamphlet explains some of the new laws. It does not need to be returned to DMV.

### (Optional Paragraphs)

Regardless of the instruction below regarding a renewal fee. Your renewal fee is not due until

another action taken against your driving privilege requires you to pay a reissue fee of \$

(Vehicle Code §14904)

### RENEWAL APPLICATION—READ CAREFULLY—DO NOT MAIL

Bring this letter, the application fee, and your driver license to any DMV office. Please call your local DMV office to schedule an appointment. A vision and a written test(s) are required. Check your renewal application carefully. If the information is incorrect, cross out and make the necessary corrections in ink. SIGN THIS FORM AT DMV WHEN YOU PAY YOUR FEE. Limited Term drivers pay the renewal fee and take the written test every 4th year, however the vision and driving tests are required at each renewal period. Limited Term drivers—please call your local DMV office to schedule vision and driving test appointments.

CHECK ONE BOX ONLY. A voter form will be provided at DMV if you check box "Y" or "C."

- Y ☐ I wish to register to vote for the first time or to make a voter registration change (i.e., name change or political party change).  
N ☐ I do not wish to register to vote or to change my voter registration address.  
C ☐ I wish to update my voter registration address record to a new county.  
S ☐ I wish to update my voter registration address record within the same county.

DRIVER LICENSE #: \_\_\_\_\_ DATE: \_\_\_\_\_ CLASS: C NON-COMML  
SEX: M HAIR: BLK EYES: BLU HEIGHT: 507 WEIGHT: 999 DATE OF BIRTH: 10-01-40

The answer to question 1 below is for the confidential use of the DMV.

1. Have you ever applied for or been issued any of the following documents from California, another state, or another country?  
☐ Driver License ☐ Instruction Permit ☐ Identification Card ..... ☐ YES ☐ NO  
2. Have you ever applied under a different name? ..... ☐ YES ☐ NO  
3. Do you have any disease, disorder, disability, or addiction that could impair your ability to safely operate a motor vehicle including episodes of lost consciousness or marked confusion or habitual use of any drug or medication? ..... ☐ YES ☐ NO  
4. Since your last renewal, have you developed a vision disorder that cannot be corrected by glasses, corrective contact lenses, or surgery? ..... ☐ YES ☐ NO  
5. Have you ever had your driving privilege or license refused, suspended, or revoked? ..... ☐ YES ☐ NO

Please explain yes answers to questions 1-5 briefly \_\_\_\_\_

I agree to submit to a chemical test of my blood, breath, or urine for the purpose of determining the alcohol or drug content of my blood when testing is requested by a peace officer acting in accordance with Vehicle Code §23157.

I am the person whose name appears above. The mailing address shown on this form is valid, existing, and an accurate mailing address. I consent to receive service of process at this mailing address pursuant to §415.20(b), §415.30(a), and §416.90 of the Civil Procedure Code. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date \_\_\_\_\_ Signature \_\_\_\_\_



## RENEWAL NOTICE—MAG STRIPE CONVERSION

If your address is incorrect, please cross out and print your correct address in the area next to your name.



Congratulations on your excellent driving record. You are eligible to renew your driver license without taking a written or vision exam.

DMV is in the process of converting all driver licenses to the new magnetic stripe license. To renew your driver license, it is necessary for you to appear at a DMV office on or before your birthday. Your new photo driver license will be issued in the magnetic stripe format.

Please read the enclosed pamphlet *Driver License Renewal* and answer the self-test questions. You may keep the pamphlet, but bring this letter with you to DMV when you renew your license. No other application is required unless you change your class of license.

### RENEWAL APPLICATION—READ CAREFULLY—DO NOT MAIL

Bring this letter, the application fee, and your driver license to any DMV office. Please call your local DMV office to schedule an appointment. Check your renewal application carefully. If the information is incorrect, cross out and make the necessary corrections in ink. SIGN THIS FORM AT DMV WHEN YOU PAY YOUR FEE.

CHECK ONE BOX ONLY. Ask the technician for a voter registration form only if you are checking boxes "Y" or "C."  
Y ☐ I wish to register to vote for the first time or make a voter registration change (i.e., name change or political party change).  
N ☐ I do not wish to register to vote or to change my voter registration address.  
C ☐ My voting address has changed to a new county. Please update my voter registration address record only.  
S ☐ My voting address has changed but I am still in the same county. Please automatically update my voter record.

DRIVER LICENSE #: \_\_\_\_\_ DATE: \_\_\_\_\_ CLASS: C NON-COMML  
SEX: M HAIR: BLK EYES: BLU HEIGHT: 507 WEIGHT: 999 DATE OF BIRTH: 10-01-40

The answer to question 1 below is for the confidential use of the DMV.

1. Do you have any disease, disorder, disability, or addiction that could impair your ability to safely operate a motor vehicle including episodes of lost consciousness or marked confusion or habitual use of any drug or medication? ☐ YES ☐ NO
2. Since your last renewal, have you developed a vision disorder that cannot be corrected by glasses, corrective contact lenses, or surgery? ..... ☐ YES ☐ NO

Please briefly explain yes answers \_\_\_\_\_

I agree to submit to a chemical test of my blood, breath, or urine for the purpose of determining the alcohol or drug content of my blood when testing is requested by a peace officer acting in accordance with Vehicle Code §23157.  
I am the person whose name appears above. The mailing address shown on this form is valid, existing, and an accurate mailing address. I consent to receive service of process at this mailing address pursuant to §415.20(b), §415.30(a), and §416.90 of the Civil Procedure Code.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date \_\_\_\_\_ Signature \_\_\_\_\_



**ELIGIBILITY:** In order to register to vote, you must be a citizen of the United States, a resident of the State of California, at least 18 years of age at the time of the next election, and not in prison or on parole for the conviction of a felony. In order to vote in any specific election, you must be registered at least 29 days prior to that election. You will receive a Voter Notification Card confirming your registration.

**YOU SHOULD COMPLETE THIS FORM IF:**

1. You have not been registered to vote before and you wish to become registered to vote, or;
2. You have moved or changed your name since you last registered to vote, and *your new address is not in the same county as your old address.*

**YOU SHOULD NOT COMPLETE THIS FORM IF:**

1. You are already registered to vote at your current address, or;
2. You have moved since you last registered to vote, and *your new address is in the same county as your old address.* (Note: In this case, your voter registration will be updated automatically using the residence address information you provided on your driver's license application.)

**Important! Please Read These Notices Before Completing The Form**

- ✓ In order to ensure your proper registration, please fill the form out **completely and legibly.**
- ✓ Your California driver license or ID card number is optional. You will not be denied the right to register because you did not furnish your driver license or ID card number.
- ✓ Your telephone number (include area code) is optional.
- ✓ Be sure you read the statement and warning above the signature line **before you sign and date the form.** Your signature attests, under penalty of perjury, that the information you have provided is true and correct.
- ✓ Question #9 on the form asks that you indicate your choice of qualified political parties, "Decline to State," or "Other." If you mark "Other," you may print the name of an unqualified political party. All properly registered voters may vote for any candidate of their choice for each office at any primary election regardless of political affiliation. (Pursuant to Prop 198 of 1996)
- ✓ If you do not wish to register to vote, your decision will remain confidential and will be used only for voter registration purposes.
- ✓ If you wish to register to vote, the office where you registered will remain confidential and will be used only for voter registration purposes.
- ✓ Please call one of the following numbers if you or someone you know would like to receive a voter registration form in another language.  
Spanish: 1-800/232-8682; Chinese: 1-800/339-2857; Vietnamese: 1-800/339-8163; Japanese: 1-800/339-2865; Tagalog: 1-800/339-2957.

DL 44-MV (REV. 4/96)

VOTER REGISTRATION	<b>ARE YOU A U.S. CITIZEN?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No If No, Don't Fill Out Or Mail This Form. Use Pen—Please Print Clearly			
	Mr. <input type="checkbox"/> Mrs. <input type="checkbox"/> Miss <input type="checkbox"/> Ms. <input type="checkbox"/>	FIRST NAME MIDDLE NAME LAST NAME		
	ADDRESS Where You Live (Number, Street, Apt. No.)		City	County
	If No Street Address, Describe Where You Live. (Cross Streets, Route, Box, Section, Township, Range, Etc.)			
	ADDRESS Where You Get Your Mail (If Different From #2)		City	State
	DATE OF BIRTH (month—day—year)		PLACE OF BIRTH (State or Foreign Country)	
	CA DRIVER LICENSE OR ID CARD #		TELEPHONE ( )	
	<b>PARTY REGISTRATION (Check one box)</b> <input type="checkbox"/> American Independent Party <input type="checkbox"/> Democratic Party <input type="checkbox"/> Green Party <input type="checkbox"/> Libertarian Party <input type="checkbox"/> Natural Law Party <input type="checkbox"/> Peace and Freedom Party <input type="checkbox"/> Reform Party <input type="checkbox"/> Republican Party <input type="checkbox"/> Decline to State <input type="checkbox"/> Other (specify) _____		<b>FOR OFFICE USE ONLY</b>  <b>OPTIONAL SURVEY:</b> Can you help in the following area(s) _____ Polling Place Worker _____ Posting Place Site	
	<b>WARNING:</b> It is a felony if you sign this statement even though you know it is untrue; you can be fined and jailed for up to four years.			
	<b>VOTER DECLARATION—Read and Sign Below.</b> • I am a U.S. Citizen. I will be at least 18 years old on or before the next election. I am not in prison or on parole for a felony conviction. • I certify under penalty of perjury under the laws of the State of California that all the information on this form is true and correct.			
STATE OF CALIFORNIA	<b>SIGNATURE—Sign in box below.</b>			
	<div style="border: 1px solid black; height: 60px; width: 100%; display: flex; align-items: center; justify-content: center; font-size: 2em; font-weight: bold;">X</div>			
	DATE			
	If someone helps you fill out this form, that person must sign and date below:			
<b>HAVE YOU EVER BEEN REGISTERED TO VOTE?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give information from last voter registration form. Name _____ Address _____ City _____ County _____ State _____ Political Party _____				

# FORMULARIO DE REGISTRO PARA VOTAR

**ELEGIBILIDAD:** A fin de registrarse para votar, usted debe ser ciudadano de los Estados Unidos, residente del Estado de California, tener por lo menos 18 años de edad cuando ocurra la siguiente elección y no estar encarcelado o en libertad bajo palabra por la convicción de un delito mayor. Para votar en cualquier elección específica, debe estar registrado por lo menos 29 días antes de dicha elección; sin embargo, usted no debe considerarse registrado hasta que reciba la tarjeta de notificación para votar.

## DEBE LLENAR ESTE FORMULARIO SI:

1. Usted no ha sido registrado para votar anteriormente y desea registrarse para votar, o;
2. Usted se ha mudado o ha cambiado su nombre desde la última vez que se registró para votar, y su nueva dirección no está en el mismo condado de su antigua dirección.

## NO DEBE LLENAR ESTE FORMULARIO SI:

1. Usted ya está registrado para votar en su dirección actual, o;
2. Usted se ha mudado desde la última vez que se registró para votar, y su nueva dirección está en el mismo condado de su antigua dirección. (Nota: En este caso, su registro de votante será actualizado automáticamente usando la información sobre la dirección residencial que proporcionó en la solicitud de licencia de manejar).

## ¡Importante! Por favor lea estos avisos antes de llenar el formulario

- ✓ Para asegurar que su registro se haga adecuadamente, por favor llene **completa y legiblemente** el formulario.
- ✓ Asegúrese de leer la declaración y advertencia que está arriba de la línea para la firma **antes de firmar y fechar** el formulario. Su firma da fe, bajo pena de perjurio, de que la información que usted proporcionó es verdadera y correcta.
- ✓ La pregunta #9 del formulario le pregunta a qué partido político usted desea afiliarse. Si no se afilia con uno de los partidos que se enlistan en el formulario, únicamente será elegible para votar por candidatos independientes y por medidas estatales y locales en una elección primaria. Si no desea afiliarse con uno de estos partidos políticos, puede marcar la casilla "Me Niego a Declararlo" o escribir en letras de molde en el espacio que se proporciona, el nombre de un partido político no autorizado.
- ✓ Si usted escoge registrarse para votar o no, es su decisión. Esta decisión permanecerá confidencial y únicamente se usará con propósitos de empadronamiento de votantes.
- ✓ Por favor llame a uno de los siguientes números si a usted o a alguien que usted conoce le gustaría recibir un formulario de registro para votar en otro idioma. Inglés/español 1-800/339-2814; inglés/chino 1-800/339-2857; inglés/vietnamés 1-800/339-8163; inglés/japonés 1-800/339-2865; o inglés/tagalo 1-800/339-2957.

DL 44-MV SPANISH (NEW 7/94) ENGLISH (NEW 7/94)

¿ES USTED CIUDADANO DE LOS ESTADOS UNIDOS? ☐ Sí ☐ No Si la respuesta es No, No Llene Este Formulario. Use Pluma - Por favor escriba claramente

VOTER REGISTRATION

1	Sr. <input type="checkbox"/> PRIMER NOMBRE Sra. <input type="checkbox"/> SEGUNDO NOMBRE Srita. <input type="checkbox"/> APELLIDO Srita./Sra. <input type="checkbox"/>				
2	DIRECCION DONDE USTED VIVE (Número, calle, No. de apartamento)		Ciudad	Condado	Código Postal
3	SI NO HAY DIRECCION DE CALLE, DESCRIBA LA UBICACION DE RESIDENCIA: (Calles que cruzan, ruta, buzón, sección, municipalidad, region, etc.)				
4	DIRECCION Donde Recibe Correspondencia Postal (Si es diferente de la del #2)		Ciudad	Condado	Código Postal
5	FECHA DE NACIMIENTO (mes-día-año)	6	LUGAR DE NACIMIENTO (Estado de los Estados Unidos o País Extranjero)	7	OFICIO
				8	TELEFONO (Opcional)
REGISTRO DE PARTIDO (Marque una casilla) <input type="checkbox"/> Partido Independiente Estadounidense <input type="checkbox"/> Partido Demócrata <input type="checkbox"/> Partido Verde <input type="checkbox"/> Partido Libertario <input type="checkbox"/> Partido Paz y Libertad <input type="checkbox"/> Partido Republicano <input type="checkbox"/> Me Niego a Declararlo <input type="checkbox"/> Otro (Especifique) _____		No LIC. MANEJAR/T. IDENTIDAD (Opcional) _____ (PARA USO DE LA OFICINA SOLAMENTE)		ADVERTENCIA: Si usted firma esta declaración a sabiendas de que no es verdadera, puede ser multado y encarcelado hasta por cuatro años. DECLARACION DE VOTANTE - Lea y Firme Enseguida. • Soy Ciudadano de los Estados Unidos • Tendré por lo menos 18 años de edad en la próxima elección, o antes. • No estoy en prisión o en libertad bajo palabra por una convicción de un delito mayor • Certifico bajo pena de perjurio conforme a las leyes del Estado de California, que toda la información en este formulario es verdadera y correcta.	
9	¿ALGUNA VEZ SE HA REGISTRADO PARA VOTAR? <input type="checkbox"/> Sí <input type="checkbox"/> No Si es así, dé información de su último formulario de registro para votar. Nombre _____ Dirección _____ Ciudad _____ Condado _____ Estado _____		10 12 FIRMA - Firme en la línea de la casilla de enseguida.		



STATE OF CALIFORNIA

FECHA

70 AE 530031

Si alguien le ayuda a llenar este formulario, esa persona debe firmar y poner la fecha aquí.

DRIVER LICENSE RENEWAL BY MAIL NOTICE

**CONGRATULATIONS**  
**YOU MAY RENEW YOUR DRIVER LICENSE BY MAIL**

P.O. Box 825893  
Sacramento, CA 94293-0001

**RENEW EARLY to be sure you receive your new license before your current license expires. Follow the instructions and return the bottom part of this form as soon as possible.**

DRIVER LICENSE NUMBER

EXPIRES

ANNIE CARR DRIVER  
PO BOX 4  
MAXWELL TX 95955-0004  
BAR CODE STUFF BAR CODE STUFF BAR CODE STUFF



Do you wish to register to vote? If yes, complete the enclosed *postage paid* voter registration card. Mail it directly to the Office of the Secretary of State. If you have moved and wish to update your voter records, see below.



Return the bottom portion of this form with your check or money order, and, if requested, any appropriate form(s) in the envelope provided. Print your driver license number on the back of your check or money order and make it payable to DMV for the amount shown in the circle below. **Please, do not send cash.**



You are required by law to provide your social security number or your application will be denied. Please see the back of this form for additional information.

**Sign your name below. You will receive your renewal by mail (RBM) after *all* required information is received. Your RBM will be a new driver license with the most recent photo from the photo data base.**

Please read the medical instructions enclosed and then answer the following medical questions by entering an "X" in the yes or no boxes on the tear-off strip. This information is for the confidential use of DMV.

Question 1. Do you have any disease, disorder, disability, or addiction that could impair your ability to safely operate a motor vehicle including episodes of lost consciousness or marked confusion or habitual use of any drug or medication?

Question 2. Since your last renewal, have you developed a vision disorder that cannot be corrected by glasses, corrective contact lenses, or surgery?

**If you answered "No," return the bottom portion with your payment and any requested form(s) in the envelope provided.**

**HAVE YOU MOVED?** Check one box only and complete the change of address form on reverse.

- ☐ DMV change of address only. Do not change my voting address.  
☐ Change my voting address. (If you have moved to a new county, you must reregister. Please complete the enclosed card.)

I agree to submit to a chemical test of my blood, breath, or urine to determine the alcohol or drug content of my blood when requested by a peace officer acting per VC §23157. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date \_\_\_\_\_ Signature \_\_\_\_\_

DL 6S

**If you answered "Yes" to either question, please read the instructions on the enclosed insert.**

Medical Question 1  
YES ☐ NO ☐

Medical Question 2  
YES ☐ NO ☐

**AMOUNT DUE**



**Print your Social Security Number using black or blue ink in the boxes below:**



NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES

# BUSINESS REPLY MAIL

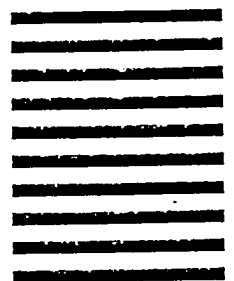
FIRST-CLASS MAIL

PERMIT NO. 95814

SACRAMENTO, CA

POSTAGE WILL BE PAID BY ADDRESSEE

BILL JONES  
SECRETARY OF STATE  
ELECTIONS DIVISION  
1500 - 11TH STREET  
SACRAMENTO CA 95814-9910



## RENEWAL BY MAIL

Each year the number of vehicles registered and individuals obtaining driver licenses increases. DMV is finding it increasingly difficult to give each customer fast service. By returning this renewal notice in the pre-addressed return envelope, you are assured an expeditious renewal.

Renewing by mail saves you:

- valuable time
- money for gas
- wear and tear on your vehicle

For the price of a postage stamp, you have helped California

- in the fight against air pollution
- reduce traffic congestion
- save tax dollars

By using the mail, you have chosen the easiest way to submit a DMV application and have assisted us at DMV in providing better service for the State of California. Thank you.

*Frank S. Zolin*

Frank S. Zolin  
Director

### SOCIAL SECURITY NUMBER COLLECTION INFORMATION

Your social security number will be collected pursuant to 42 U.S.C. 405 and California Vehicle Code §1653.5, §4150, §4150.2, and §12800. It is used in the administration of driver license and motor vehicle registration laws and to respond to requests for information from an agency operating pursuant to 42 U.S.C. 601 et seq. The social security number is used to maintain a numerical identification system to determine eligibility for issuance and renewal of a driver license, identification card, and vehicle registration and title documents; to aid in the collection of monies owed in connection with failure to pay a fine or failure to appear in court by an applicant; and to aid in collection of monies owed by an applicant in connection with Aid to Families with Dependent Children, Child Support, and Establishment of Paternity and Federal Payments for Foster Care and Adoption Assistance programs.

Collection of your social security number is mandatory. Failure to furnish the information requested will result in denial of an application for issuance or renewal of a driver license, identification card, or vehicle registration or title document.

### CHANGE OF ADDRESS

COMPLETE THIS FORM TO CHANGE YOUR RESIDENCE ADDRESS. TO ADD OR CHANGE A MAILING ADDRESS WHEN IT IS DIFFERENT FROM YOUR RESIDENCE ADDRESS, PLEASE COMPLETE A DMV 14 FORM (AVAILABLE BY CONTACTING YOUR LOCAL DMV OFFICE). PLEASE PRINT OR TYPE.

#### PART I

List all driver license or identification card numbers for household members at the new address.

#### PART II

List all vehicles/vessels registered to household members at the new address.

NEW RESIDENCE ADDRESS

APT #

CITY

STATE ZIP CODE

	DRIVER LICENSE/ID CARD NUMBER	LAST NAME	FIRST NAME	MIDDLE INITIAL	DATE OF BIRTH
PART I					
PART II	LICENSE PLATE OR CF NUMBER	REGISTERED OWNER(S) NAME		MAKE OF VEHICLE OR VESSEL	

# VOTER REGISTRATION FORM

**ELIGIBILITY:** In order to register to vote, you must be a citizen of the United States, a resident of the State of California, at least 18 years of age at the time of the next election, and not in prison or on parole for the conviction of a felony. In order to vote in any specific election, you must be registered at least 29 days prior to that election. You will receive a Voter Notification Card confirming your registration.

## YOU SHOULD COMPLETE THIS FORM IF:

1. You have not been registered to vote before and you wish to become registered to vote, or;
2. You have moved or changed your name since you last registered to vote, and *your new address is not in the same county as your old address.*

## YOU SHOULD NOT COMPLETE THIS FORM IF:

1. You are already registered to vote at your current address, or;
2. You have moved since you last registered to vote, and *your new address is in the same county as your old address.* (Note: In this case, your voter registration will be updated automatically using the residence address information you provided on your driver's license application.)

## Important! Please Read These Notices Before Completing The Form

- ✓ In order to ensure your proper registration, please fill the form out **completely and legibly.**
- ✓ Your California driver license or ID card number is optional. You will not be denied the right to register because you did not furnish your driver license or ID card number.
- ✓ Your telephone number (include area code) is optional.
- ✓ Be sure you read the statement and warning above the signature line **before** you sign and date the form. Your signature attests, under penalty of perjury, that the information you have provided is true and correct.
- ✓ Question #9 on the form asks that you indicate your choice of qualified political parties, "Decline to State," or "Other." If you mark "Other," you may print the name of an unqualified political party. All properly registered voters may vote for any candidate of their choice for each office at any primary election regardless of political affiliation. (Pursuant to Prop 198 of 1996)
- ✓ If you do not wish to register to vote, your decision will remain confidential and will be used only for voter registration purposes.
- ✓ If you wish to register to vote, the office where you registered will remain confidential and will be used only for voter registration purposes.
- ✓ Please call one of the following numbers if you or someone you know would like to receive a voter registration form in another language. Spanish: 1-800/232-8682; Chinese: 1-800/339-2857; Vietnamese: 1-800/339-8163; Japanese: 1-800/339-2865; Tagalog: 1-800/339-2957.

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VOTER REGISTRATION



STATE OF CALIFORNIA

ARE YOU A U.S. CITIZEN? ☐ Yes ☐ No If No, Don't Fill Out Or Mail This Form. Use Pen—Please Print Clearly

Mr. ☐  
Mrs. ☐  
Miss ☐  
Ms. ☐

FIRST NAME

MIDDLE NAME

LAST NAME

ADDRESS Where You Live (Number, Street, Apt. No.)

City

County

ZIP Code

If No Street Address, Describe Where You Live. (Cross Streets, Route, Box, Section, Township, Range, Etc.)

ADDRESS Where You Get Your Mail (If Different From #2)

City

State

ZIP Code

DATE OF BIRTH (month—day—year)

PLACE OF BIRTH (State or Foreign Country)

CA DRIVER LICENSE OR ID CARD #

TELEPHONE

PARTY REGISTRATION (Check one box)

- ☐ American Independent Party
- ☐ Democratic Party
- ☐ Green Party
- ☐ Libertarian Party
- ☐ Natural Law Party
- ☐ Peace and Freedom Party
- ☐ Reform Party
- ☐ Republican Party
- ☐ Decline to State
- ☐ Other (specify) \_\_\_\_\_

FOR OFFICE USE ONLY

OPTIONAL SURVEY: Can you help in the following area(s)

\_\_\_\_ Polling Place Worker

\_\_\_\_ Posting Place Site

**WARNING:** It is a felony if you sign this statement even though you know it is untrue; you can be fined and jailed for up to four years.

**VOTER DECLARATION —Read and Sign Below.**

- I am a U.S. Citizen. I will be at least 18 years old on or before the next election. I am not in prison or on parole for a felony conviction.
- I certify under penalty of perjury under the laws of the State of California that all the information on this form is true and correct.

**SIGNATURE—Sign in box below.**

X

DATE

HAVE YOU EVER BEEN REGISTERED TO VOTE? ☐ Yes ☐ No

If yes, give information from last voter registration form.

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

County \_\_\_\_\_

State \_\_\_\_\_

Political Party \_\_\_\_\_

If someone helps you fill out this form, that person must sign and date below:



MAIL COMPLETED FORM TO:  
DMV CHANGE OF ADDRESS  
P. O. BOX 942859  
SACRAMENTO, CA 94259-0001

# NOTICE OF CHANGE OF ADDRESS

Read the instructions carefully

DMV USE ONLY  
DL address  
updated by FO

24002

Please Print Characters Only In Capital Letters Using Black or Blue Ink.

1 2 3 4 5 6 7 8 9 0

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

A separate form is needed for each driver or vehicle owner. Enter the information exactly as shown on your California driver license, ID card, disabled person placard, registration card or certificate of number for which a change or correction is being requested. DMV cannot update unreadable or incomplete information. Type or write your new address on a small piece of paper for card, sign and date the card, and keep it with your driver license or ID card.

Personal  
Information

LAST NAME

DRIVER LICENSE/ID CARD NO.

FIRST

INITIAL

BIRTH DATE

Voter Record  
(Use only with  
Change of  
Address)

## FOR REGISTERED VOTERS ONLY

This form will be used to change your voting address unless you check the box below. If you have moved to a new county you must re-register. If you are at DMV, please obtain a voter registration card, or you may call 1-800-345-VOTE.

No, I do not want you to change my voting address.

New or  
Correct  
Residence  
Address  
Do No Use  
P.O. Box

STREET NUMBER

STREET NAME

APT NO.

CITY - DO NOT ABBREVIATE - USE FIRST 22 CHARACTERS IN CITY NAME

STATE

ZIP CODE

New or  
Correct  
Mailing Address  
(If Different  
From  
Residence  
Address Above)

STREET NUMBER

STREET NAME

APT NO.

CITY - DO NOT ABBREVIATE - USE FIRST 22 CHARACTERS IN CITY NAME

STATE

ZIP CODE

Vehicles or  
Vessels Owned  
By You (Use  
Additional  
Forms If  
Necessary)

CALIFORNIA PLATE/CF/PLACARD NO.

LAST 17 POSITIONS OF VEHICLE ID OR VESSEL HULL ID NUMBER

CHECK IF  
LEASED

Leased  
Vehicles

LEASING COMPANY'S NAME

Location of  
Trailer Coach  
or Vessel  
(If Different  
From  
Residence  
Address)

STREET NUMBER

STREET NAME

CITY - DO NOT ABBREVIATE - USE FIRST 16 CHARACTERS IN CITY NAME

COUNTY - DO NOT ABBREVIATE

Previous  
Address

STREET NUMBER/NAME

CITY

STATE

ZIP CODE

Your mailing address may be given to requesters providing a valid reason for requesting the information. If you receive mail at your residence, then giving DMV a separate mailing address is optional. Your residence address is restricted to authorized requesters per Vehicle Code Section 1808.22. I am the person whose name appears on the record(s) above and the mailing address shown is valid, existing and accurate. I consent to receive service of process at this mailing address pursuant to 415.20(b), and 416.90 of the Civil Procedure Code. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

SIGNATURE

X

Field Office by County  
8/6/96

Contact Office Manager

<u>COUNTY</u>	<u>OFFICE</u>	<u>PRIVATE NUMBER</u>
Alameda	Fremont	(510) 797-3381
Alameda	Hayward	(510) 293-1711
Alameda	Oakland	(510) 450-3705
Alameda	Oakland-Coliseum	(510) 286-0488
Alameda	Pleasanton	(510) 462-1833
Amador	Jackson	(209) 223-2742
Butte	Chico	(916) 343-2622
Butte	Oroville	(916) 538-2243
Butte	Paradise	(916) 872-3347
Calaveras	San Andreas	(209) 754-1408
Colusa	Colusa	(916) 458-8402
Contra Costa	Concord	(510) 687-5014
Contra Costa	El Cerrito	(510) 540-3583
Contra Costa	Pittsburg	(510) 432-3098
Contra Costa	Walnut Creek	(510) 274-0762
Del Norte	Crescent City	(707) 464-7314
El Dorado	Placerville	(916) 622-5050
El Dorado	South Lake Tahoe	(916) 541-4870
Fresno	Clovis	(209) 298-2462
Fresno	Coalinga	(209) 935-3374
Fresno	Fresno	(209) 445-5744
Fresno	Pinedale	(209) 435-0695
Fresno	Reedley	(209) 638-7849
Glenn	Orland	(916) 865-7255
Glenn	Willows	(916) 934-3099
Humboldt	Eureka	(707) 445-6487
Humboldt	Garberville	(707) 923-3625
Imperial	Brawley	(619) 344-3941
Imperial	El Centro	(619) 352-1848
Inyo	Bishop	(619) 872-4661



Field Office by County, page 2

<u>COUNTY</u>	<u>OFFICE</u>	<u>PRIVATE NUMBER</u>
Kern	Arvin	(805) 854-3004
Kern	Bakersfield	(805) 395-2829
Kern	Bakersfield-SW	(805) 836-1374
Kern	Delano	(805) 725-5188
Kern	Lake Isabella	(619) 379-3441
Kern	Ridgecrest	(619) 446-7145
Kern	Shafter	(805) 746-6750
Kern	Taft	(805) 763-5354
Kings	Hanford	(209) 582-2978
Lakeport	Lakeport	(707) 263-3785
Lassen	Susanville	(916) 257-6452
Los Angeles	Arleta	(818) 686-3413
Los Angeles	Bellflower	(310) 867-5869
Los Angeles	Bell Gardens	(310) 806-8427
Los Angeles	Compton	(310) 631-6275
Los Angeles	Culver City	(310) 636-2717
Los Angeles	Glendale	(818) 242-0296
Los Angeles	Hawthorne	(310) 973-3734
Los Angeles	Hollywood	(213) 736-3085
Los Angeles	Hollywood-Vine	(213) 461-8402
Los Angeles	Inglewood	(310) 412-6422
Los Angeles	Lancaster	(805) 942-6733
Los Angeles	Lincoln Park	(213) 227-4023
Los Angeles	Los Angeles	(213) 744-7551
Los Angeles	Montebello	(213) 724-6843
Los Angeles	Newhall	(805) 259-7781
Los Angeles	Palmdale	(805) 273-1105
Los Angeles	Pasadena	(818) 796-3394
Los Angeles	Pomona	(909) 397-5652
Los Angeles	San Pedro	(310) 832-0573
Los Angeles	Santa Monica	(310) 828-8825
Los Angeles	Torrance	(310) 328-7868
Los Angeles	Van Nuys	(818) 901-5478
Los Angeles	West Covina	(818) 472-7169
Los Angeles	Whittier	(310) 693-6460
Los Angeles	Winnetka	(818) 346-4690
Madera	Madera	(209) 674-0525

Field Office by County, page 3

<u>COUNTY</u>	<u>OFFICE</u>	<u>PRIVATE NUMBER</u>
Marin	Corte Madera	(415) 924-5950
Marin	Novato	(415) 897-1674
Mariposa	Mariposa	(209) 742-6911
Mendocino	Fort Bragg	(707) 964-9234
Mendocino	Ukiah	(707) 463-4730
Merced	Los Banos	(209) 826-3731
Merced	Merced	(209) 726-6562
Modoc	Alturas	(916) 233-2210
Monterey	King City	(408) 385-6807
Monterey	Salinas	(408) 443-3223
Monterey	Seaside	(408) 649-2820
Napa	Napa	(707) 253-4944
Nevada	Grass Valley	(916) 273-1658
Nevada	Truckee	(916) 587-6177
Orange	Costa Mesa	(714) 631-2220
Orange	Fullerton	(714) 680-7929
Orange	Laguna Hills	(714) 586-0730
Orange	Placentia	(714) 528-9951
Orange	San Clemente	(714) 492-3930
Orange	Santa Ana	(714) 558-4659
Orange	Westminster	(714) 890-3231
Placer	Auburn	(916) 263-2990
Placer	Rocklin	(916) 624-1538
Placer	Roseville	(916) 774-4250
Plumas	Quincy	(916) 283-1030
Riverside	Banning	(909) 849-8619
Riverside	Blythe	(619) 922-7050
Riverside	Hemet	(909) 652-1561
Riverside	Indio	(619) 342-4431
Riverside	Norco	(909) 734-7503
Riverside	Palm Springs	(619) 322-3325
Riverside	Riverside	(909) 782-4108
Riverside	Riverside-East	(909) 656-5929
Riverside	Temecula	(909) 676-7823

Field Office by County, page 4

<u>COUNTY</u>	<u>OFFICE</u>	<u>PRIVATE NUMBER</u>
Sacramento	Carmichael	(916) 574-2035
Sacramento	Folsom	(916) 983-0133
Sacramento	Sacramento	(916) 227-2910
Sacramento	Sacramento South	(916) 393-1618
San Benito	Hollister	(408) 637-3815
San Bernardino	Barstow	(619)256-0211
San Bernardino	Fontana	(909) 822-2551
San Bernardino	Needles	(619) 326-2299
San Bernardino	Rancho Cucamonga	(909) 466-1787
San Bernardino	Redlands	(909) 793-9582
San Bernardino	San Bernardino	(909) 885-3980
San Bernardino	Twenty-Nine Palms	(619) 367-1410
San Bernardino	Victorville	(619) 245-8981
San Diego	Chula Vista	(619) 425-8035
San Diego	El Cajon	(619) 447-1955
San Diego	Escondido	(619) 741-3030
San Diego	Oceanside	(619) 941-1519
San Diego	Poway	(619) 748-3501
San Diego	San Diego	(619) 688-3190
San Diego	San Diego Clairemont	(619) 565-7065
San Diego	San Ysidro	(619) 428-9368
San Diego	Spring Valley	(619) 469-9790
San Francisco	San Francisco	(415) 557-3146
San Joaquin	Lodi	(209) 333-6938
San Joaquin	Manteca	(209) 823-0275
San Joaquin	Stockton	(209) 948-7217
San Joaquin	Tracy	(209) 835-1326
San Luis Obispo	Paso Robles	(805) 238-5407
San Luis Obispo	San Luis Obispo	(805) 543-4471
San Mateo	Daly City	(415) 755-9113
San Mateo	Redwood City	(415)368-0143
San Mateo	San Mateo	(415) 342-6531
Santa Barbara	Goleta	(805) 685-3040
Santa Barbara	Lompoc	(805) 736-1996
Santa Barbara	Santa Barbara	(805) 966-1163
Santa Barbara	Santa Maria	(805) 922-1804

Field Office by County, page 5

<u>COUNTY</u>	<u>OFFICE</u>	<u>PRIVATE NUMBER</u>
Santa Clara	Gilroy	(408) 842-0125
Santa Clara	Los Gatos	(408) 354-1164
Santa Clara	Mountain View	(415) 968-0613
Santa Clara	San Jose	(408) 277-2078
Santa Clara	Santa Clara	(408) 277-1349
Santa Clara	Santa Teresa	(408) 277-1537
Santa Cruz	Capitola	(408) 427-4851
Santa Cruz	Watsonville	(408) 724-6576
Shasta	Fall River Mills	(916) 336-6411
Shasta	Redding	(916) 225-2107
Siskiyou	Mount Shasta	(916) 926-4368
Siskiyou	Tulelake	(916) 667-2988
Siskiyou	Yreka	(916) 842-4030
Solano	Fairfield	(707) 428-2054
Solano	Vacaville	(707) 448-9691
Solano	Vallejo	(707) 648-4098
Sonoma	Petaluma	(707) 763-9489
Sonoma	Santa Rosa	(707) 576-2409
Stanislaus	Modesto	(209) 5766308
Stanislaus	Turlock	(209) 634-7048
Sutter	Yuba City	(916) 822-4536
Tehama	Red Bluff	(916) 527-9290
Trinity	Weaverville	(916) 623-4435
Tulare	Porterville	(209) 784-4359
Tulare	Tulare	(209) 686-4088
Tulare	Visalia	(209) 625-2776
Tuolumne	Sonora	(209) 532-0110
Ventura	Oxnard	(805) 488-0025
Ventura	Santa Paula	(805) 525-8847
Ventura	Simi Valley	(805) 527-2893
Ventura	Thousand Oaks	(805) 492-1138
Ventura	Ventura	(805) 654-4547

Field Office by County, page 6

<u>COUNTY</u>	<u>OFFICE</u>	<u>PRIVATE NUMBER</u>
Yolo	Davis	(916)324-4813
Yolo	Woodland	(916) 442-4811

**CHAPTER THREE**

**DMV**

**PROCEDURES**

**FOR**

**AUTOMATIC TRANSMISSION**

**OF**

**DMV ADDRESS CHANGES**

***(OR RECEIVING DMV CHANGE OF ADDRESS INFORMATION ON PAPER)***

## **CHAPTER THREE**

### **Change of Address (Electronic or Paper)**

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# **PROCEDURES FOR "AUTOMATED" ADDRESS CHANGES**

## **I. A BRIEF DESCRIPTION OF HOW THE CHANGE OF ADDRESS SYSTEM WORKS**

Please read the previous section ("Voter Registration at DMV Field Offices") first.

The system DMV has implemented permits you to "automate" some of the registration information received from their offices.

In short, if a voter moves from one address in your county to a new address which is still in your county, there is no need for the voter to complete a new affidavit of registration. Your current record includes all the information you need to know about the voter, including name, political party affiliation, and signature. In this case, DMV forwards the new address information to you so that you can "automatically" update these registrations, much as you may do now using the National Change of Address (NCOA) process.

An individual may indicate that a change of address on DMV driver license or state identification (ID) card records also applies to his or her voting record. This address change may be indicated in a number of ways, including:

1. By completing a "Change of Address" form;
2. By submitting a new affidavit of registration, or
3. By indicating on the DMV driver license or ID application that the change of address is for voting purposes and involves a move from one address to another.

Please refer to the section of this guidebook on "List Maintenance and the Purge" for further and more detailed information on how you can use information received from the DMV for list maintenance purposes. DMV sent, to each county election official, the EDP specifications describing both magnetic tape and paper change of address information output.



DMV will forward to your office a listing of all changes of address it received in conjunction with the driver license and state ID card process in which the voter does not indicate that the address change should not be used for voting purposes. This listing is broken down into three parts.

1. **A list of all persons who have moved from one address in your county to another address in your county.**

This is the category of changes of address which you can "automate."

Since you know the old address, the new address, and you also know that the voter intends the address change to be for voting purposes, you may "add" the new registration and "cancel" the old one based on this information.

Of course, you must send a voter notification card to confirm the registration.

2. **A list of all persons who have moved from an address in your county to an address in another county.**

The federal law permits you to use this change of address information to assist you in removing "deadwood" from the file. Since this information comes directly from the voter you may cancel the old registration. (See the section of this guidebook on "List Maintenance and the Purge" for further information).

3. **A list of all persons who have moved from another county to a new address in your county.**

These are persons who need to register to vote in your county, and you must send them a registration form in order for them to be able to do so.

These persons may have changed their address using one of DMV's application processes, and may have already sent you a new VRC. You may, in order to avoid duplication, want to check prior to mailing a new VRC.

## **II. IN WHAT FORM IS THE CHANGE OF ADDRESS INFORMATION MADE AVAILABLE BY DMV?**

DMV provides the change of address information in one of two formats:

- (1) Magnetic tape;
- (2) Paper

The Secretary of State sent a survey to each county to request your format preference to receive address change information. The responses were forwarded to DMV and have been programmed based upon your response.

## **III. ARE WE ABLE TO RECEIVE CHANGE OF ADDRESS INFORMATION DIRECTLY FROM DMV BY ELECTRONIC TRANSMISSION?**

No. At least not right away. The Secretary of State and DMV are working towards electronic transfer of change of address information to implement this connection with county elections offices. The Secretary of State and DMV may eventually implement an electronic connection from DMV to a statewide voter file in order to automate this process.

## **IV. CHANGE OF ADDRESS INFORMATION RECEIVED FROM DMV ON PAPER OR MAGNETIC TAPE**

### **A. Overview**

There is really very little difference in terms of your procedures if you are receiving this information on paper or magnetic tape.

The major difference is that if you receive the information on paper you will not be able to "automate" address updates, but will instead have to manually compare the list of address changes sent by DMV to your voter file, and update each voter's file individually.

**B. Information from the central DMV office**

The change of address information comes from the central DMV headquarters office in Sacramento, and is mailed to you on a weekly basis.

You do not receive any change of address information from your local DMV field offices unless the voter completes an affidavit of registration.

**C. What information do you receive?**

The information you receive on paper is identical to that you would receive on magnetic tape. Briefly, you receive the voter's name, new address, old address, driver license number, and date of birth.

**D. What can you do with the information you receive?**

1. If the voter is moving from one address in your county to another address in your county, you can update the voter's address, and send the voter a confirmation notice which permits him or her to correct the information if it is wrong.
2. If the voter is moving from an address in your county to an address in another county, federal law permits you to use this change of address information to assist you in removing "deadwood" from the file. Since this information comes directly from the voter you may cancel the old registration. (See the section of this guidebook on "List Maintenance and the Purge" for further information).
3. If the voter is moving from an address in another county to an address in your county, you should send the voter a form to register to vote.

**E. Duplicate changes of address**

The processes used by DMV may permit some voters to indicate twice the same change of address. They can do this by both completing and returning the voter registration form included with the DMV application, and by also checking the box on the DMV application which prompts DMV to send you a record of their change of address. Since the information should be the same on each, this may be an administrative annoyance but should not cause processing problems.

**CHAPTER FOUR**

**VOTER REGISTRATION**

**AT**

**SOCIAL SERVICE**

**AGENCIES**

## **CHAPTER 4**

### **VOTER REGISTRATION AT SOCIAL SERVICE AGENCIES**

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# **VOTER REGISTRATION AT SOCIAL SERVICE AGENCIES**

## **I. IMPLEMENTATION OF THE AGENCY PROVISIONS OF THE NATIONAL VOTER REGISTRATION ACT (NVRA) OF 1993.**

### **A. Voter Registration Agencies**

The following offices have been designated as voter registration agencies:

- a. County welfare department offices which accept applications and administer benefits for the Aid to Families with Dependent Children program (AFDC) and the Food Stamp program.
- b. County welfare department offices which accept applications and administer benefits for the Medi-Cal program.
- c. County welfare department offices and community based non-profit organizations under contract with the Department of Health Services which accept applications and administer benefits for the Women, Infants and Children program (WIC).
- d. Offices of the State Department of Rehabilitation which provide vocational rehabilitation services.
- e. Independent Living Centers.
- f. Department of Developmental Services Regional Centers.
- g. Offices of contractors with the Department of Social Services, Office of Deaf Access, in which services to the deaf are provided.
- h. State and County Mental Health Providers.
- i. County welfare departments which accept applications and administer benefits for In Home Supportive Services Program.

- j. Franchise Tax Board district offices which provide public access for income tax and Homeowner and Renter Assistance forms, instructions and assistance.
- k. State Board of Equalization district offices which provide services to the public.

In addition, the NVRA provides that recruitment offices of the Armed Forces of the United States are considered to be voter registration agencies for purposes of the NVRA.

## **B. Responsibilities of Voter Registration Agency Offices**

- A. **Distribute a form** to register to vote with each application for service or assistance, as well as with each form for recertification, renewal, or change of address;
- B. **Assist the voter** in completing the form, with the same level of assistance the agency provides for completion of its own forms;
- C. **Accept completed forms** from the voters for return to the elections official.
- D. **No attempt to influence** the voters' decision whether or not to register to vote, or with which political party, shall be made by any agency employee.
- E. **Benefits may not be linked** in any way to the applicant's decision to register or to not register to vote.

Voter registration agencies or state supervising agencies may develop instructions and procedures to further clarify and implement these requirements.

### **C. Required Notices**

The NVRA requires that each applicant be advised of certain information, including: (1) that assistance in filling out the form will be provided if requested; (2) that he or she has the right to complete the form without assistance; (3) that failure to indicate whether or not the applicant wishes to register to vote will automatically be determined to be a declination to register; and (4) a contact name, address, and phone number if the applicant feels anyone has tried in any way to influence his or her decision to register to vote or not, or with which political party.

### **D. A Written Declination is Required**

Each applicant must either register to vote or indicate in writing that he or she declines to register (see below for a discussion of the "Application/Declination Form").

### **E. Declination Retention**

Declinations must be retained for 22 months (Rules and Regulations, Federal Register, Vol. 59, No. 120, Thursday, June 23, 1994). NVRA agencies may want to ensure that such declinations are retained in such a manner as to be able to identify originating offices or agencies to permit an examination of declination patterns, if necessary. However, the declinations are to remain confidential.

## **II. REGISTERING VOTERS DURING THE AGENCY APPLICATION PROCESS**

Please refer to Section 7 of the NVRA.

### **A. Part One of the Application --- The "Application/Declination" Form**

Each person applying for services will be given a form which asks if he or she wishes to register to vote. (A copy of this form is on the next page). Each agency office will distribute it to each of its clients in the course of the regular application process.



# WOULD YOU LIKE TO REGISTER TO VOTE?

## TO REGISTER TO VOTE IN CALIFORNIA, YOU:

1. Must be a citizen of the United States;
2. Must live in the State of California;
3. Must be at least 18 years old by the date of the next election, and;
4. Must not currently be in prison or on parole for the conviction of a felony, or be judged by a court to be mentally incompetent to vote.

**WARNING:** Under state and federal law, it is a crime to submit a voter registration affidavit if you know you are not eligible to register to vote.

## IMPORTANT NOTICES

1. Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.
2. If you would like help in filling out the voter registration application form, we will help you. It's your choice. You may fill out the application form in private.
3. If you decline to register to vote here today, that information is confidential and may not be used for any purpose other than voter registration. If you do register to vote here today, that information, including the office at which you are registering, is also confidential.
4. If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the Secretary of State by calling toll-free 800-345-VOTE or write to: Secretary of State, 1500 11th Street, Sacramento, CA, 95814.
5. If you move to a new address, or if you change your name or want to change your political party, you must fill out a new voter registration form.

Would you like to apply to register to vote here today?

(Check One)

☐

I am already registered to vote at my current address, or I am not eligible to register to vote, and do not need an application to register to vote.

☐

YES. I would like to register to vote. (Please fill out the attached form)

☐

NO. I do not want to register to vote.

(NOTE: IF YOU DO NOT CHECK ANY BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.)

Please sign your name here: \_\_\_\_\_

SIGNATURE

DATE

This form will be retained with this agency.

(For Agency Use Only)

Voter registration form completed: YES \_\_\_\_\_ NO \_\_\_\_\_ DECLINED \_\_\_\_\_

If applicant wanted to register, form was: GIVEN TO CLIENT \_\_\_\_\_ MAILED \_\_\_\_\_

If client declined to register but failed to sign declination form, check here \_\_\_\_\_

Applicant's Name \_\_\_\_\_

Employee Initials \_\_\_\_\_

Date \_\_\_\_\_

Both the "Application/Declination" form and the registration form should be stapled, clipped, or otherwise presented together with application forms routinely distributed to each applicant during the "intake" procedure or at some other appropriate point in the application process.

The form will include the following information:

1. **Eligibility criteria:** This includes the requirement that a person must be a citizen to register to vote. The individual should be made specifically aware of the warning that it is a crime to submit a voter registration affidavit if the person knows he or she is not eligible to register to vote.
2. **Who needs to use the registration form** (i.e. new registration, move to a new address, change of name or political party)
3. **Important Notices.** The federal law requires the inclusion on the application of several notices to the voter, including:
  - a. A notice that the voter's decision whether or not to register to vote will not affect his or her eligibility for benefits, or the amount of those benefits.
  - b. A notice advising the voter how to obtain help in filling out the voter registration form, as well as informing him or her that he or she has the right to fill it out in private and without any help.
  - c. Information on who the voter may complain to if he or she feels that anyone has interfered with his or her right to vote, or tried to influence his or her choice of a political party. The Secretary of State is the office to which the voter may complain, and an 800 number is listed for this purpose.
4. **"Yes/No".** The applicant is asked whether he or she would like to register, with boxes marked "yes" and "no" to indicate his or her answer. This question is also required by federal law. Also required is a statement informing the voter that if he or she does not check either box it will be assumed that he or she has decided not to register to vote.

The voter will be asked to affirm his or her choice by signing and dating the form.

If the voter checks "Yes", the voter should complete the attached voter registration form. This will be a "regular" voter registration form and will be supplied to the agency by the elections official. If the voter requests assistance in completing the form the employee must provide the same level of assistance the worker would provide in completing the agency forms. Employees are **not** required to sign the voter registration form as the person assisting the registration.

5. **"For official use only."** This section of the form will permit the agency employee to indicate that the applicant did or did not complete a voter registration form, and to initial this information.

If the employee gives the applicant a form to register to vote but the applicant decides to take it home, fill it out, and return it him- or herself, the employee should check the box indicating that no registration form has been completed, since it will not be possible to determine whether or not the voter follows through with completing the form.

## **B. Part Two of the Application --- the Voter Registration Form**

This will be the "regular" voter registration form, and will be attached to part one of the form so that the two forms are presented simultaneously to the applicant. The voter registration form will include the attached portions containing the instructions and the receipt stub.

## **C. Obtaining the Forms**

1. The Secretary of State will supply county elections offices with a master copy of Part One of the application. The elections official may supply it in bulk to the agency office, or may provide a master copy for the agency to reproduce.
2. The Secretary of State will supply county elections officials with voter registration forms to be used in agency offices.

## **D. Confidentiality**

- 1. Confidentiality of the identity of the agency at which the voter registered.** Section 8(a)(6) of the NVRA states that each state shall "ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public."

In other words, the process used to offer an opportunity to register voters at social service agencies may not in any way disclose the source of that registration to the general public.

The process described in this manual was designed in large part to ensure the confidentiality of the source of agency locations. Specifically, the form to register to vote is indistinguishable from a "regular" form to register to vote.

It is important to note that there is a possible "conflict" in this goal of confidentiality with the requirement in the federal law that county elections offices track and report the number of registration applications received from agency offices. In order to track and report this information, elections officials probably have to assign specific blocks of affidavit numbers to these agency locations and keep track of those numbers from within each block which are returned to your office. In this case, each elections official must enact adequate office procedures to ensure that the public does not have access to the list indicating which block of numbers is assigned to which agency office.

- 2. Confidentiality of the "declination" to register to vote.**

The federal law also requires [section 7(a)(7)] that: "No information relating to a declination to register to vote in connection with an application made at an (agency) office may be used for any purpose other than voter registration."

In other words, if a voter, for whatever reason, declines to register to vote, that decision is entirely a private matter and may not be made known to the public. Specifically, the "Application/Declination Form" described in section II.A above ("Part One of the Form --- The "Application/Declination" Form) which is retained by the agency, either in the client's application file or in some other location from which it can be retrieved, is not a public record.

**3. Retention period for "declinations" to register to vote.**

Declinations must be retained for 22 months (Rules and Regulations, Federal Register, Vol. 59, No. 120, Thursday, June 23, 1994). NVRA agencies may want to ensure that such declinations are retained in such a manner as to be able to identify originating offices or agencies to permit an examination of declination patterns, if necessary. However, the declinations are to remain confidential.

**E. Providing materials and assistance in minority languages**

The federal law requires that agencies provide the same level of service to persons wishing to register to vote as they provide to clients completing applications for the services provided by that agency.

The Secretary of State, in conformance with the Federal Voting Rights Act, currently prints voter registration forms in the following languages, in combination with English: Spanish, Chinese, Vietnamese, Japanese, and Tagalog. The Secretary of State will make these forms available to local elections officials who shall, upon request of an agency, supply those forms to that agency.

Each county election official will have to determine if social service agency offices in his or her county provide applications in any of these languages and, if so, request a supply of these forms from the Secretary of State for distribution to those agency offices. The Secretary of State will also provide "Application/Declination" forms in minority languages.

Voter registration forms in languages not specifically required by the Voting Rights Act will not be provided.

**F. FLAGGING QUESTIONABLE REGISTRATION FORMS**

The NVRA provides that it is a crime for any person to knowingly and willfully submit a voter registration application that is known by the person to be materially false, fictitious or fraudulent.

A person must meet specific requirements to be eligible to register. The person must be at least 18 years of age by the date of the next election, a United States citizen, a resident of California, and not be in prison or on parole for conviction of a felony or be judged by a court to be mentally incompetent. These requirements should be carefully explained to applicants. However, voter registration agency employees may not

prohibit or inhibit a person in any way from registering to vote regardless of their apparent eligibility status. It may occur, however, that an employee will be aware that a person to whom voter registration assistance is provided is not a citizen or does not otherwise meet the requirements to register.

Because of the penalty provision of the NVRA, voter registration employees should "flag" registrations for which they have specific knowledge that the applicant does not meet these eligibility requirements, including citizenship, at the time assistance is provided, either by statements of the applicant or information already provided in an application for benefits. With the exception of agency offices, for example mental health facilities, where specific information is contained in client files and is required to determine eligibility, employees are not required to search the file to make a citizenship determination.

The registration form along with the "flag" will be forwarded to the county election official, who will determine what action or investigation, if any, to undertake. No identifying information should be provided in order to maintain compliance with any applicable state or federal confidentiality requirements. Since the NVRA requires the voter registration agency to forward completed registration forms to the election official, the addition of a "flag" should not conflict with other federal confidentiality requirements.

The Secretary of State, in conjunction with the State Health and Welfare Agency, local election officials, and voter registration agencies, has developed a uniform method and procedure for flagging questionable registrations (attached).

### **III. CHANGES OF ADDRESS AND RECERTIFICATIONS**

The federal law also requires that each agency distribute a form to register to vote with each form used for recertification, renewal, or change of address [section 7(a)(6)(A)].

### **IV. TRANSMITTAL DEADLINES**

The federal law requires that agency offices transmit completed registration forms to the elections official. If the registration form is received within five days of a deadline to register to vote, the forms must be transmitted within five days of receipt by the agency. Since there are many local elections including special elections and other non-regularly scheduled elections, each agency office should transmit all voter registration cards within five days of receipt.

Each election official should establish procedures and timetables for receiving completed forms from agency offices.

In many cases, agency offices are forwarding completed registration forms on a daily basis, rather than waiting 5-10 days. Some agency offices may be able to transmit the completed forms to your office via inter-office mail.

## **V. LATE REGISTRATIONS**

Any registration form which is completed by a voter at an agency office 29 days or more before the date of an election is, if otherwise valid, effective for that election, **no matter when it is received by the election official** (unless, of course, it is received after the election).

For example, if a voter completes a form to register to vote but that form is delayed in transmittal and is not received by the elections official until the day before the election, that voter is eligible under the federal law to cast a ballot in that election, and the ballot must be counted.

Elections officials should make every effort to facilitate the transmittal of completed registration forms from agency offices in order to minimize the number of "late" registrations. Such facilitation will be important to minimize the number of provisional ballots you might have to process for a given election.



Bill Jones  
Secretary of State

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October 17, 1995

TO: COUNTY CLERKS/REGISTRARS OF VOTERS (95118)

FROM: Caren Daniels Meade  
CAREN DANIELS-MEADE, Program Manager  
Voting, Voter Registration and Outreach

**SUBJECT: SOCIAL SERVICES AGENCY PROCEDURES FOR "FLAGGING"  
POTENTIALLY INELIGIBLE REGISTRATIONS**

Enclosed are procedures responding to a portion of the US District Court's May 4 order that California implement the National Voter Registration Act of 1993 -- specifically that section which instructed the State to develop a procedure for social services offices to "flag" registrations in cases where employees have information that such applicant is not eligible to register to vote.

"Flagging" procedures for the Dept. of Motor Vehicles are spelled out in the Implementation Manual adopted by the court.

The flagging procedures developed for designated voter registration agencies are attached. State oversight agencies for the involved programs will be directing their local agencies to follow them. We are forwarding these procedures to you so that you will know what to expect from your county offices which are involved with the NVRA. You will see that non-DMV employees will "flag" questionable registrations but will not be making any permanent marks on the forms themselves and will not be coding the "flags" to alert you to the eligibility issue in question.

In all cases, when you receive a voter registration form which has been "flagged" as having been completed by a person who may not be eligible to vote, you should process it as you do all other registrations. After you have entered the registration data on your file, please forward to our office a copy of the registration form, with a cover letter asking this office to investigate the allegation of ineligibility.

Our office, in conjunction with other state agencies, is examining a series of legal questions surrounding the "flagging" procedure, including the possibility of elections officials NOT registering voters whose affidavits are "flagged" without further information provided by the voter. Enactment of SB 379 may influence this analysis.

As always, if you have any questions, feel free to call me at (916) 657-2133.



**UNIFORM PROCEDURES FOR "FLAGGING" QUESTIONABLE VOTER REGISTRATION FORMS EXECUTED BY CLIENTS OF SOCIAL SERVICES, REHABILITATION, DEVELOPMENTAL SERVICES, FRANCHISE TAX BOARD, BOARD OF EQUALIZATION, AND WOMEN/INFANTS/CHILDREN PROGRAM OFFICES**

The court-ordered plan for implementation of the National Voter Registration Act (NVRA) directed the Secretary of State and state social services agencies to develop procedures for "flagging" questionable registration applications in order to ensure the Act's purposes are met in the area of voter eligibility. The implementation plan directed "flagging" of completed voter registration cards in cases "when the employee has specific knowledge that the applicant does not meet voter eligibility requirements, including citizenship."

The following procedures have been developed to meet the NVRA's legal requirements that potentially ineligible registrants be brought to the attention of elections officials. The procedures should be easy to administer, are consistent with the Act's confidentiality mandates, and are intended to safeguard agency personnel from danger, harassment or retaliation from applicants who workers believe may not be eligible to legally register to vote. Importantly, they also establish a uniform statewide standard easily administered by staff in all 58 counties.

Since it is a crime under the NVRA for any person to knowingly and wilfully submit a voter registration application that is known by the person to be materially false, fictitious or fraudulent, "flagging" is intended to protect agency personnel and the integrity of the state's voter files.

**The following are guidelines for "flagging" registrations when an agency employee, at the time assistance is provided to the client, knows the client is not eligible to register to vote and that the client has provided false information on the registration form.**

The employee providing voter registration assistance at designated agencies should "flag" only those cards known to contain false information at the time assistance is provided. No search of files should be done to determine or verify a registrant's eligibility to register to vote. Please note, however, that no applicant is to be refused the right to complete the registration form. Registrants whose forms are "flagged" will still be added to voter rolls by county elections officials and then forwarded to the Secretary of State's Office for investigation to determine eligibility and the necessity of any follow-up action to remove an ineligible individual from the voter rolls.

A self-sticking tape "flag", removable yet secure for marking pages, should be attached to the completed form; it is suggested that employees attach this "flag" when the form is completed and returned to staff for transmittal to the county elections offices (immediately after the applicant has left the area or completed the transaction with the agency). These markers are the color-tipped tape "flags" which have clear tape at one end and a colored "flag" at the other, and which measure approximately 1" by 1-3/4". The yellow square sticky pads are not to be used to "flag" these questionable forms. Employees may NOT make ANY permanent marks on the registration forms.

The origin of the registration form (be it a social service, rehabilitation or developmental services agency, the Franchise Tax Board, the Board of Equalization, or other non-DMV agency) must be confidentially protected, so all involved agencies will use the same procedures and use of this tape "flag" will not allow anyone to link the registration form's origin to a particular office or agency. When the flag is removed by elections officials, the form will not be identifiable as having been previously "flagged".

If the applicant checks the box on the card that he or she is not a citizen or if the applicant is not yet 18 years old but fills in his or her correct birthdate on a voter registration form, the form need NOT be "flagged" because the information is not false and the elections officials can make the appropriate determination. If the registrant chooses to take the card to complete and mail at a later time, there likewise is no requirement to attempt to "flag" or otherwise report such actions.

You are also reminded that agency employees are NOT required to sign as having assisted the applicant in completion of the card (box #13).

Finally, it would enhance the integrity of this "flagging" process if "questionable" (ie. "flagged") registration forms could be segregated from the others when transmitting them to the county elections officials. By putting them together with a rubber band, paper clip, or whatever tool is most convenient and "batching" them, if a "flag" becomes detached from the form during transit, elections officials will still know the registration is one needing special review.

Your prompt implementation of these new procedures is appreciated. If you have any questions, feel free to discuss them with your local elections official or call us.

flagvrc

## **CHAPTER FIVE**

# **LIST MAINTENANCE AND THE PURGE**

## CHAPTER 5

### List Maintenance

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Attachments:

Sample Voter Notification Card (VNC) - NEW

Sample RCOP's

Sample Confirmation Mailing (In-County)

Sample Confirmation Mailing (Out-of-County)

USPS Layout Standards

Business Reply Accounting System

# LIST MAINTENANCE AND THE PURGE

## I. List Maintenance Overview

The NVRA contains several features regarding list maintenance. For those who have used NCOA these changes may seem relatively minor. The major impact will be increased number of records maintained for longer period of time, and increased printing/postage to send confirmation mailing to voters. Features include:

1. A change in acceptance dates of voter registration applications (Section 8(a)(1)). This is brought about by involvement of DMV, agencies and mail registration. This does not change current procedure but does give different timeframes for acceptance of voter registrations coming from DMV and agencies. (See II)
2. A requirement to send notice to each voter of the disposition of their voter registration application (Section 8(a)(2)). This is already done through VNC's and missing information notices. (See II)
3. A change in the rules for removing individual names from the voter registration list (Sections 8(a)(3) and (4), Section 8(b)(2), and Sections 8(c) and 8(d)). This affects out-of-county moves and undeliverables. Current procedures regarding official notice of death, felony conviction, mental incompetency are in line with NVRA. (See III and IV).
4. A change in the rules for updating a registrant's address information (Sections 8(c), 8(d) and 8(f)). This applies to in-county moves. The biggest impact of both (3) and (4) is on returned VNC's which can no longer be directly cancelled but must go in an "Inactive Voter File," and generate a confirmation mailing referred to as "8(d)(2) Notice" in NVRA. (See III and IV).
5. A requirement that States "conduct a general program"; the purpose of which is "to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office" (Sections 8(a)(4) and 8(b)). California purge procedures are very much in line with NVRA. The major change is the requirement to send confirmation mailings no matter which purge process you use. These confirmation mailings are commonly referred to as "8(d)(2) notices" in NVRA jargon. (See III and IV).



## II. Receipt of Voter Registrations

Voter registration forms will differ - National Voter Registration Card, California Voter Registration Card (county specific or statewide), DMV form. They will arrive by mail, hand delivery or perhaps messenger service from DMV and agencies. NVRA addresses the time period for accepting such registration forms and determining eligibility for an election.

Voters who register are eligible for an election if their registration is:

1. **Received by mail, and:**

- dated E-29 or before AND received by mail no later than E-25 (EC 2102) OR
- postmarked E-29 or before and received any time before polls close on election day (EC 2102). This procedure is new - prior to the NVRA, "postmark" was not a factor in determining eligibility for an election.

2. **Received from DMV and:**

- the registration was "**submitted**" to DMV E-29 or before and received by the elections official before polls close on election day.

3. **Received from an agency, and:**

- the registration is "**accepted**" at the agency E-29 or before and received by the election official any time before the polls close on election day.

4. **Hand delivered by voter/campaign, etc.**

- received no later than E-29. (no change in NVRA)

There is no cut-off date on (1) when it is postmarked E-29 or before and it is certainly possible that there will be delays in postal delivery. Election officials must be prepared to accept these affidavits whether they were dated by the voter or not.

DMV/agencies are required to transmit affidavits completed by E-29 to the election official within (5) days. Problems or delays may occur and since these offices are part of the NVRA process, election officials must accept the affidavits and process them for the election no matter when they are received (assuming it is **before** polls close on election day). Election officials may experience an increase in the number of late arriving affidavits. The flow of registrations should be more evenly distributed throughout the year, without the peaks now experienced near major elections.

In both situations (postmark and DMV/agency transmittal) elections officials should process the affidavits as "late but eligible" and include the names on the list to the polls - sometimes called a Certification List. If you currently use bar codes on rosters, you might want to include these on the Late But Eligible List, printed in similar fashion to the Active Voter Roster. This makes it easy for the voter to sign in and later to capture voting history.

### **III. Sending Voter Notification Cards ( VNC's )**

There is no requirement under NVRA to change current practice. We may want to redesign the VNC so that it is in simpler language (similar to the new VRC's). NVRA requires that you notify the voter of the "disposition of their voter registration application." Our current VNC and letters regarding missing information meet that requirement. AB 1714 includes language generally required on the VNC.

It is important to note that the non-forwardable VNC is sent **after** the voter is added to the Active Voter File. That means that if it is returned by the post office it can no longer be canceled but must instead be placed in the inactive file. In order to cancel the registration we will be required to send a forwardable confirmation mailing.

### **IV. Description of Voter Files:**

#### **Active Voter Files:**

NVRA makes no change to this file which includes everyone who is eligible to vote in an election at the address shown on the file. This might include non-fatal pends (missing information that does not keep voter from voting).

Active voter records are maintained indefinitely, either hardcopy or electronically. See EC 2202 for methods to avoid storing hardcopy documents.

### **Inactive Voter Files:**

This file was not specifically addressed in the NVRA but was discussed in the House and Senate Committee Reports. This file serves the same purpose as the old Canceled/Delete File in regards to cancellations brought about because of postal (or unconfirmed) change of address information (See V for definition of confirmed/unconfirmed). This file will contain records of voters who have been sent a confirmation mailing to confirm address change information and have not responded.

When voters move out-of-county (or a mailing is undeliverable) and do not respond to the mailing, their record is moved from the Active to the Inactive Voter File. When postal information indicates voters move in-county, their records are updated in the Active Voter File and a copy of their record (with the old address) is placed in the Inactive Voter File. As voters are placed in this file they must be coded or marked in such a way that you can track them for the period of two (2) federal general elections and if at the end of that time there has been no activity, the record is canceled. If there is any activity, the record is reinstated to the Active Voter File.

A list of voters in the Inactive Voter File (as described above) must be sent to the polls so that if the voter appears to vote and affirms/confirms continuous residency, the voter can sign and vote. The voter record will then be reinstated on the list of active voters.

Voters in the Inactive Voter File do not receive election materials, are not included in determining the number of signatures required on petitions, or in determining the number of polling places, ballots or voting machines required to service voters.

If you enter registrations in the voter file and classify them as "fatal pends," meaning they are not eligible to vote until that information is provided, you will have to decide whether to place them in the "Active" or "Inactive" file. If you place them in "Active" they are not reported to SOS as a "registered voter" and, if you place them in the "Inactive" file they are not on the list sent to the polls.

### **Canceled Voter Files:**

NVRA restricts the records that can be placed in this file. Out-of-county moves and undeliverables based on postal notification can no longer be automatically canceled. Returned VNC's can no longer be canceled. However, the Canceled File can be used upon notice of: death; mental incompetency; imprisonment or on parole for the conviction of a felony; written request from the voter; or receipt of out-of-county address change information from DMV or agencies, or other election officials, when that change was initiated by the voter. It may also be used for voters who are removed from the Inactive File because there was no voter activity for the period of two federal general elections.

Once a record is placed in this file it will be rare to reinstate it. NVRA does not address the retention period for voters once they are placed in this file. California law requires sending a list of voters canceled (due to residency confirmation procedures) since the previous general election to the polls (EC 2227). That will not be required of this "new" Canceled File but will be from the Inactive Voter File.

EC 14500 requires "preservation" of canceled affidavits for five (5) years. How long you maintain this file on-line will be a decision you will make based on storage capacity. If you preserve affidavits in hardcopy, on-line may not be necessary. If you preserve affidavits electronically, some means of storing that electronic information must be utilized.

### **Coding and Combining Files:**

Canceled records are kept on-line for different periods of time in each county. For many it is more convenient to have everything on-line in the event it is needed for restoration or for voter inquiries, and they have system space to do so. Inactive Voter records **must** be maintained for up to two (2) federal general elections unless reinstated.

If combining the files, cancellations could be left on the system for the same period of time as Inactive Files OR stripped off at a later date decided upon by the election official. You might want to consider whether voter records being moved from Inactive status to Canceled status should automatically be removed from the system. This could be done as long as the record is maintained separately, per EC 17000.

Combining the Inactive and Canceled Files together may depend upon system resources. Whether combined or not, codes should be assigned to each category in either file. This is similar to what is done now to record why a record is removed from the Active Voter File. New codes will be required for: removal to Canceled status after the expiration of the waiting period in the Inactive Voter File (up to four years); removal to canceled status upon written notice from voter; removal to canceled status upon notification from DMV or agency (initiated by voter ) that indicates move out-of-county.

No record would stay in the combined file longer than four (4) years from the date it was removed from the Active File. If a record is moved from Inactive status to Canceled status, it would be removed from the combined file. If the original voter record has not been electronically captured, the hardcopy would be retained for five (5) years at which time it will be disposed. With this method any voter whose record had been changed would have the period of two (2) federal general elections in which to notify the elections official of an error.

#### **Monitoring Inactive and Canceled Files:**

In order to remove voter records from either of these files, it will be necessary to monitor the time period that a record is in the file. To do this you must record the date a record is entered into the file. It will be up to the election official to determine the frequency of stripping the files or changing the codes when moving records from Inactive to Canceled or from Canceled to Inactive.

## **V. Maintenance of Voter Files**

#### **Where Does Information Come From:**

Once a voter has been added to the voter file there will be several ways in which the elections official may receive information that affects that file. NVRA distinguishes the types of information and the source in determining what action may be taken. Essentially, information is either "confirmed" or "unconfirmed."

**Confirmed Information** includes, but is not necessarily limited to, that received directly from: the voter in written notice; from DMV or possibly an agency when the voter directs that change of address information should apply to voter registration; or when a voter registers in another jurisdiction.

**Unconfirmed Information** includes, but is not necessarily limited to, that received from: the post office, either by election officials, DMV, or agencies; possibly poll workers; returned jury notices; or if a driver's license is surrendered in another state.

### **What Happens If Information is "Confirmed" (i.e. direct from the voter):**

If information is "confirmed," a change takes place and no additional notice is required to be sent to the voter. If this information indicates a move-out-of-county, the voter record can be automatically canceled. If this information indicates a move in-county the voter record is updated and would be followed by a VNC, as is currently the practice. There is no requirement to send a VRC to the vacated address unless you choose to do so.

**Note:** When voters provide DMV with address change information and say it is to apply to their voter record, the voter will assume the change has taken place. However, the information that we will be receiving from DMV may not exactly match our files. This is because DMV does not follow the same addressing rules we do and is not as concerned with residence address. If we are unable to locate the voter, this may result in an increase in election related problem calls when voters who think they have updated their address, do not receive election materials or the location of their polling place.

### **What Happens If Information Is "Unconfirmed" (i.e. indirectly from the voter):**

If information is "unconfirmed," a change of address out-of-county or undeliverable would be placed in the Inactive Voter File rather than in the Canceled File. A change of address in-county would be updated on the Active Voter File and the old record placed in the Inactive Voter File rather than in the Canceled File. In both situations a Confirmation Mailing is required under NVRA. There is no requirement to send a VNC since the confirmation mailing takes its place. In addition, if address change information is received in the purge process, a VRC must be mailed to the vacated address (EC 2221).

### **What Is A "Confirmation" Mailing (8(d)(2)):**

This is a First Class forwardable mailing (double postcard). The bottom half is a postage paid, pre-addressed return postcard that enables the voter to notify the elections official if the information used to change the voter file is correct or in error. It also contains warnings of what will happen if the information is incorrect and the voter fails to notify the elections official. Wording to ensure a timely response from the voter should be similar to, "if notice of error is not received within 30 days, you may not receive voting materials through the mail for upcoming elections."

The question now becomes - to which address do we send the confirmation mailing? There are pluses and minuses to any method. The most efficient method would be to mail in-county moves to the new address since you would already have entered that address in your system and you had already received mail back from the old address. Out-of-county moves and undeliverables can be mailed to the old address since that is the information you will have in your system. To send to new addresses would require some method to address them since your voter files will not contain out-of-county addresses. There is no perfect method which is why we have fail-safe voting. (For more detail, see VI). Note: Address change information received on mailing addresses is considered the same as a change to residence since it gives reason to believe the voter has moved.

### **What Happens to a Voter Record in the Inactive File:**

A voter record will remain in the Inactive File for a period of up to two (2) federal general elections. This time period begins on the date of the confirmation mailing and ends on the day after the date of the second Federal General Election following the mailing (8(d)(2)(a)). A list of voters in this file is sent to the polls. During that time, if the voter votes in an election, applies to vote, or in anyway updates their voter registration, the record is restored to the Active Voter File. If no action is taken by the voter during this period of time the voter record is then removed to the Canceled File and the voter must reregister in order to vote in future elections.

While in the Inactive Voter File the voter does not receive election materials in the mail and such voters are not included in determining the number of signatures required on a petition or in computing the number of ballots, voting devices, or polls required to service the voters. It is probably easier to place voters directly in the Inactive file at the same time the confirmation mailing is sent, to avoid confusion. If the confirmation mailing is returned by the voter, the record is reinstated and there is a record for the future.

Although voters in the Inactive Voter File are still considered to be registered, (if in fact they are still at the address in question), they will not be included in the report of registration to Secretary of State, or for counting ballots. They will be reported to SOS in a separate category (See Recordkeeping, Chapter 7).

## How Does NVRA Affect Purge Procedures:

Pre-NVRA procedures all fell within the scope of NVRA and have been reestablished through SB 1313 and AB 1714, with the following changes: change of address information **MUST** be followed up with a forwardable confirmation mailing (8(d)(2)) to the affected voters and voter records **MUST** go into the Inactive Voter File rather than the Canceled Voter File unless confirmed by the voter; NCOA confirmation mailings were replaced with 8(d)(2) mailings; the deadline to complete is 90 days prior to direct primary election; and it is no longer necessary to send blank voter registration cards to undeliverables.

**ALTERNATE RESIDENCY CONFIRMATION** is a new method of purging the voter rolls and was established by SB 1313. The purpose of this procedure is to address the problem created when voters move, do not file a change of address form with the Postal Service, and the new residents at the old address do not notify the postal service or the elections official that the voter is no longer at that address. Until SB 1313, there was no way to remove this "deadwood".

The Alternate Residency Confirmation is accomplished by mailing a forwardable postcard to voters who have not voted in any election within the preceeding four years and have not updated their voter record during that time. The postcard includes a postage-paid return card for the voter to confirm the address. This procedure differs from the 8(d)(2) confirmation mailing because in order to remain on the Active Voter file, the voter **MUST** return the card. If they do not, the record will be placed in the Inactive File for up to two federal general elections.

### CAUTION:

- This procedure **shall not** be used at the same time you are using Residency Confirmation postcards to purge, because the resident's confirmation postcard instructs the voter not to return the postcard if the information is correct, while Alternate Residency postcards require the voter to return the card if the information is correct. To use both in the same time frame would confuse the voter.
- You **must notify voters**, in advance, of your intention to implement this procedure, and the voter **must** have a chance to vote at a statewide primary or general election between the date of the notice and the beginning of the procedure. The most cost effective method is to include it in the sample ballot pamphlet.
- You **must maintain voting history** on all elections you conduct in order to determine if the voter has voted in the preceeding four years.



### **Are We Still Required to Send New VRC's to Vacated Addresses:**

Yes. They are required in the purge process (EC 2221(b)). Most election officials have found that it is more effective to wait at least 3-4 weeks before sending VRC's so that new occupants have an opportunity to move in.

### **Voter Registration Cards where the voter indicates he or she is not a U.S. Citizen:**

On the top of the VRC, printed in red, is a question asking the voter if he or she is a United States citizen. The voter may check either "Yes" or "No" or not check either box.

If the voter indicates, by checking the "yes" box, that he or she is a U.S. citizen, the registration should be processed normally.

If the voter indicates by checking the "No" box, that he or she is not a U.S. citizen, the registration should not be entered on the voter roll's, notwithstanding the voter's signature on the affidavit verifying that the voter is a U.S. Citizen, until the following procedure is completed. The elections official should send the voter a returnable card requesting clarification as to whether or not the voter is a U.S. citizen. If the voter returns the card indicating that he or she is a U.S. citizen, the VRC should be entered on the voter roll. If the card is returned and the voter indicates he or she is not a citizen, or if no response is received from the voter, the registration shall not be effective.

If the voter does not check either the "Yes" or "No" box, and the registration is otherwise complete, the registration should be processed normally and entered on the roll.

### **Specific Situation and Procedures:**

The following chart identifies some of the known situations that may arise regarding changes to the voter file. There are probably more that can be added as we go along.

## MAINTENANCE OF VOTER FILES

SOURCE OF INFORMATION	CONFIRMATION MAILING	ACTION
1. New Voter Registration Card	No	<ul style="list-style-type: none"> <li>• Add to or Update Active File</li> <li>• Place old record in Canceled File</li> <li>• Send VNC</li> <li>• Retain new VRC</li> </ul>
2. Voter Registration Card (VRC) (Missing required information)	No	<ul style="list-style-type: none"> <li>• Follow EC 2153 and if info is received, proceed as in #1. The VRC is considered effective as of the initial date received</li> </ul>
3. Voter Registration Card (checked as non-citizen on top but signed under penalty of perjury and confirming citizenship below)		<ul style="list-style-type: none"> <li>• Do not enter on files</li> <li>• Send notice to voter for clarification If voter affirms citizenship, proceed as in #1 If voter does not affirm citizenship, do not enter on file</li> </ul>
4. Direct request (written) from voter to be removed or confirming a move out of county.	No	<ul style="list-style-type: none"> <li>• Place voter record in Canceled File</li> <li>• Retain written request for 22 months</li> </ul>
5. Direct written request from voter to change address in County	No	<ul style="list-style-type: none"> <li>• Update Active File</li> <li>• Place old record in Canceled File</li> <li>• Send VNC</li> <li>• Retain written request for 22 months</li> </ul>
6. Change of address notice from DMV or agencies initiated by the voter (voter had option of declining change for registration purposes)	No	<ul style="list-style-type: none"> <li>• If in-county, update Active File and place old record in Canceled File</li> <li>• Send VNC</li> <li>• If out-of-county, place voter record in Canceled File</li> <li>• Retain notice for 22 months</li> </ul>
7. Official notice - death, felony conviction and in prison or on parole, mental incompetency	No	<ul style="list-style-type: none"> <li>• Place voter record in Canceled File</li> <li>• Retain official notices for 22 months</li> </ul>
8. Official notice that voter has registered in another jurisdiction and gave prior registration in your County	No	<ul style="list-style-type: none"> <li>• Place voter record in Canceled File</li> <li>• Retain notice for 22 months</li> </ul>

SOURCE OF INFORMATION	CONFIRMATION MAILING	ACTION
9. Registered voter moves within your jurisdiction; if you do not obtain new VRC but voter signs log/roster/provisional envelope giving old address. This might occur in Fail-safe voting	No	<ul style="list-style-type: none"> <li>• Update Active File or</li> <li>• Reinstate from Inactive File</li> <li>• Send VNC</li> <li>• Retain log/roster for 22 months</li> </ul>
10. Notice that drivers license was surrendered in another state	Yes	<ul style="list-style-type: none"> <li>• Place record in Inactive File</li> <li>• Generate forwardable confirmation</li> <li>• Retain notice for 22 months</li> </ul>
11. Court notification of returned jury notices	Yes	<ul style="list-style-type: none"> <li>• If new address provided in-county, update Active Voter File and place old record in Inactive File</li> <li>• If new address out-of-county, place record in Inactive File</li> <li>• Generate confirmation mailing</li> <li>• Retain notice for 22 months</li> <li>• Follow up with VRC to new occupant if mailing was returned as "undeliverable"</li> </ul>
12. NCOA or mailing returned to election office, i.e., VNC's Sample Ballots, Absentee Ballots, Residency Confirmation Postcards (in-county)	Yes	<ul style="list-style-type: none"> <li>• Update Active Voter File; old address goes to Inactive File</li> <li>• Generate forwardable confirmation mailing</li> <li>• Retain notice of change for 22 months</li> <li>• Follow up with VRC to new occupant if part of purge process</li> </ul>
13. NCOA or mailing returned to election office, i.e., VNC's Sample Ballots, Absentee Ballots, Residency Confirmation Postcards  (Out-of-County or Undeliverable)	Yes	<ul style="list-style-type: none"> <li>• Place voter record in Inactive File</li> <li>• Generate forwardable confirmation mailing</li> <li>• Retain notice of change for 22 months</li> <li>• Follow up with VRC to new occupant if part of purge process or any time if returned as "undeliverable"</li> </ul>
14. Notice from Poll Inspector - they won't know new address	Yes (after residency confirmation postcard is sent)	<ul style="list-style-type: none"> <li>• Send Residency confirmation postcard to old address</li> <li>• If returned, follow steps as outlined above for returned mailings</li> </ul>
15. Review of Inactive File following general elections (voters with no activity during period of two federal general elections)	No	<ul style="list-style-type: none"> <li>• Remove record from Inactive File to Canceled File</li> </ul>

## **VI. Mailings/Notices to Voters**

### **Voter Notification Cards (VNC's):**

These cards are sent to all new voter registrations to: (a) notify the voter that he or she has registered to vote, and; (b) confirm the voter's address information.

The method in use prior to the NVRA is sufficient. These cards are sent First Class Non-forwardable. The post office provides updated information if the card cannot be delivered as addressed, but does not forward it to the addressee.

VNC's are mailed to a residence address unless a mailing address has been provided on VRC. If a VNC addressed to a mailing address is returned by the post office, it will be treated as a notice of change of residence and the confirmation mailing will be sent.

### **Residency Confirmation Postcards (RCOP):**

This card is sent to all voters, or just non-voters during Residency Confirmation Procedure (usually annually). It can also be used to confirm residency when the need arises, i.e., poll workers inform you that voters no longer reside at the address in the roster but do not know the new address. Postal information is needed **before** a Confirmation Mailing can be sent. Residency Confirmation Postcards are First Class **Non-forwardable**. The post office provides updated information if the card cannot be delivered as addressed, but does not forward it to the addressee.

### **Confirmation Mailing (8(d)(2)):**

This is sent to confirm address change information received from sources other than the voter. Unlike the VNC and Residency Confirmation Postcard, this mailing is forwardable. The "8(d)(2)" will replace the pre NVRA NCOA confirmation mailing. Although nothing precludes you from sending a forwardable first class letter with a postage paid return postcard or envelope, it is a very expensive method. The preferred method is to send a double postcard, First Class, forwardable, with the bottom half a postage paid, pre-addressed return postcard.

The postcard must explain what change has taken place in the voter's records and what will happen if s/he does not respond if the change is in error. If the voter has moved out-of-county the voter must be advised that it is necessary to reregister in the new jurisdiction. These cards must follow the same rules as other election materials if you are covered by the Voting Rights Act on bilingual materials. Because the cards are very wordy it may be necessary to provide in another language a number to call if information is required in that other language. The other option would be to check the voter file to see if the voter has already requested materials in another language and then send the appropriate version. It might be possible to combine all the language on one card to cover moves in-county, moves out-of-county and undeliverables.

You might also consider whether to include a telephone number or toll-free number to call to advise of errors. This does not work if the voter wants to change to a new address (that must be in writing) but it does work if they simply want to notify us that we made a mistake and can be less expensive than return mail.

#### **Alternate Residency Confirmation Postcards:**

This is a double postcard sent to voters who have not voted in any election during the preceeding four years or updated their records in any way. This card cannot be used in conjunction with RCOP because it confuses voters - one requires return and the other does not. This postcard shall be forwardable, with a postage paid and preaddressed return portion for the voter to verify or correct the address information. SB 1313 provides wording for the postcard in EC 2224(a).

#### **Alternate Residency Confirmation Procedure Notice:**

EC 2224(c), as amended by SB 1313, requires notice to the voters of your intent to use this procedure. The voter must have a chance to vote at a statewide primary or general election between the date of notice and the beginning of the procedure. The notice can be sent via a separate mailing, or it can be included in the sample ballot pamphlet which is probably the most cost effective method.

Samples of various mailings are attached.

## **LIST MAINTENANCE ATTACHMENTS**

Dear Resident,

We are requesting your assistance in correcting the addresses of voters who have moved and have not re-registered.

1. If you still live at the address noted on this postcard, your voter registration will remain in effect and you may disregard this notice.
2. If the person named on this postcard is not at this address, please write "NO LONGER AT THIS ADDRESS" above the name on the front of this card and return to your Mail Carrier no later than \_\_\_\_\_.

Thank you for your assistance,  
Conny B. McCormack  
Registrar of Voters  
County of San Diego  
(619) 694-3445

Source: San Diego County ROV, September 1993

## IN-COUNTY CONFIRMATION MAILING

Sections "A" and "B" are on one side of the form and Sections "C" and "D" are on reverse. Sections "A" and "B" receive voter-specific information and Sections "C" and "D" are completely pre-printed with no additional blanks to fill in. When printed on one form, "C" is upside down on reverse side of "A." Try it - it makes sense when you see it.

Wording is designed to accommodate either a mailing OR residence address change. To make sure the voter goes to the right side of the right card when following instructions, the sections of the cards have an identifying letter printed on them.

The manager of Mail Requirements, USPS Redlands, reviewed these documents and recommends a maximum size of 4" X 5-3/4". The word "Forwardable" is not required because it will be forwarded automatically - see USPS endorsement information attached. USPS also advised on placement of letters "C" and "D." A copy of USPS format regulations for Business Reply Mail is attached. Consult with your Postal Service representative - have them review your final product before printing.

To distinguish between In-County and Out-of-County/Undeliverable Confirmation cards, you can print on different colored cards or identify them in some other way.

### SIDE 1 - Section "A"

By printing the latest address information, both for residence and mailing, you do not have to specify which address changed so it works for either a mailing OR a residence address change. If possible, include a bar code to reduce labor costs for processing returned cards.

Decision: If you do not care about hearing back if the information is correct, you can remove the first check box line. This would probably depend on how you set up Inactive and Canceled files and system resources.

### SIDE 1 - Section "B"

Mail outside - preprinted with election's office and postal permit. Computer prints on voter name and latest addresses. In most instances, this is only the residence address. These cards are mailed to the new address since you will have updated your system with this information. An exception might be if the residence address has changed and mailing address has not, in which case you might send to old mailing address.

### SIDE 2 - Section "C"

Insert your County name and decide if you will use an "800" number. Determine how you will provide translations.

### SIDE 2 - Section "D"

Business reply - return to election office. Preprinted to take full advantage of Business Reply Automated Mail System (BRMAS).



## OUT-OF-COUNTY AND UNDELIVERABLE CONFIRMATION MAILING

Sections "A" and "B" are on one side of the form and Sections "C" and "D" are on the reverse. Sections "A" and "B" receive voter-specific information and Sections "C" and "D" are completely preprinted with no additional blanks to fill in. When printed on one form, "D" is upside down on the reverse side of "A." Try it- it makes sense when you see it.

Wording is designed to accommodate both Undeliverable as well as Out-of-County address change information; it should also work for residence OR mailing address changes. When the voter sends in the confirmation card, it provides you with information to correct mistakes AND when confirming that they have indeed moved out of county, it allows you to remove the voter from the Inactive File and place them in the Canceled File. You then have more choices of when you want to remove them from your on-line systems.

To make sure the voter goes to the right side of the right card when following instructions, the sections of the cards have an identifying letter printed on them.

The manager of Mail Requirements, USPS Redlands, reviewed these documents and recommends a maximum size of 4" x 5-3/4." The word "Forwardable" is not required because it will be forwarded automatically - see USPS endorsement information attached. USPS also advised on placement of letters "C" and "D." A copy of USPS format regulations for Business Reply is attached. Consult with your Postal Service representative - have them review your final product before printing.

### SIDE 1 - Section "A"

It is easiest and less confusing to just list name and affidavit number since the only information you have in your stem is the old address. We are not telling them what the new information is - only that it shows them moving out of the county or indicates they may have moved out of county. Since voters can move more than once and it gets confusing between mailing and residence addresses, it will be simpler for the voter to just give you the correct information - no matter what the situation. If possible, include bar code next to affidavit number to reduce labor costs for processing returned cards.

### SIDE 1 - Section "B"

Mail out side - preprinted with election's office and postal permit. Computer prints voter name and old mailing address since this is what you have in your system. Since the postcard is forwardable, it should get to the voter at the latest address. To send to the new address would require entering the new information in your system and most systems do not accept information for another county.

### SIDE 2 - Section "C"

Insert your County name and decide if you will use an "800" number. Determine how you will provide translations.

### SIDE 2 - Section "D"

Business reply - return to election office. Preprinted to take full advantage of Business Reply Automated Mail System (BRMAS).

## **CHAPTER SIX**

### **"FAIL - SAFE"**

### **VOTING**

**CHAPTER 6**  
**Fail-Safe Voting**

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# **FAIL SAFE VOTING**

## **I. BACKGROUND AND GENERAL INFORMATION**

The NVRA includes a provision to permit a voter who moves, within the same county and the same congressional district, and who does NOT reregister to vote, to cast a ballot in federal elections. The NVRA also includes a provision which permits states to enact legislation to establish procedures for this "fail-safe" voting.

The State, in Chapter 919, Statutes of 1995 (AB 1713, McPherson) added Elections Code section 14311 to extend "fail-safe" voting to all elections in California.

## **II. WHO CAN VOTE A FAIL-SAFE BALLOT?**

The "fail-safe" voting procedure applies to any registered voter who has moved within county, without regard for whether the new address is in the same congressional district as the old address.

## **III. WHERE MAY THE FAIL-SAFE VOTER CAST A BALLOT?**

The "fail-safe" voter may ONLY cast a ballot at the polling place appropriate for his or her NEW address, or at a central location such as the office of the elections official. The voter may NOT return to his or her OLD polling place to vote.

## **IV. IS PROOF OF RESIDENCE REQUIRED?**

Yes. The voter must show proof of his or her new residence address. The forms of proof which are acceptable are enumerated in regulations adopted by the Secretary of State. Generally, a voter must either show a driver's license or state ID card, or provide two other items from a list (utility bill, vehicle registration, check or deposit slip, etc.), both of which include the voter's name and residence address.

## **V. DO FAIL-SAFE VOTERS VOTE A REGULAR BALLOT?**

No. "Fail-safe" voters must vote by provisional ballot. Their ballots will only be counted after the elections official verifies their eligibility.

**VI. MAY FAIL-SAFE VOTERS CHANGE POLITICAL PARTY ON THE DAY OF THE ELECTION?**

No. A voter may not change his or her political party affiliation for purposes of voting on the day of the election. The voter is reregistered to vote for future elections at his or her new residence address.

**VII. WHAT IF THE VOTER MOVES AFTER THE 29<sup>TH</sup> DAY BEFORE THE ELECTION?**

A voter who moves after the 29<sup>th</sup> day prior to an election may, at the voter's option, either vote at his or her new polling place under the fail-safe provisions, or return to his or her old polling place and vote under the provisions of California Elections Code section 2035.

**VIII. DOES THE FAIL-SAFE VOTER REREGISTER TO VOTE?**

Yes. A "fail-safe" voter should reregister for future elections, either by completing a new voter registration form provided at the polling place, or by the elections official updating the voter's residence address based on information on the provisional ballot envelope.

**CHAPTER SEVEN**

**RECORD KEEPING**

**AND**

**REPORTING**

**REQUIREMENTS**

# CHAPTER 7

## Record Keeping and Reporting Requirements

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# **RECORD KEEPING AND REPORTING REQUIREMENTS**

## **I. General Information and Background**

- A.** The National Voter Registration Act requires the Federal Election Commission to report to Congress no later than June 30th of each odd-numbered year on the progress of the legislation.
- B.** Thus, the FEC is requiring the Secretary of State's office to submit its report by March 31st of each odd-numbered year. The report must also include recommendations for improvements in national and state forms, procedures, and other matters affected by the Act.
- C.** **The first report local elections officials must submit is due March 1, 1997; however, data collection must begin January 1, 1995.**

The FEC has published regulations describing the records and data which must be collected and reported. A copy of these regulations is included as Appendix 1.

The first report from the Secretary of State was due March 31, 1995. Counties were not required to forward any data for this report. For the first report, the Secretary of State was required to provide (1) a narrative description of the implementation program for the state of California, and (2) the number of registered voters in the 1994 general election - this number will be used as a baseline for future reports.

Thereafter, the Secretary of State is required to report to the FEC by March 31st of each odd-numbered year. County elections officials will need to provide the Secretary of State with information as indicated in the following sections.

## **II. Information that Must Be Collected and Reported**

### **A. Total number of voters – Past.**

The Total Number of Registered Voters Statewide (Both as "Active" and as "Inactive" in the Federal General Election Two Years Prior to the Most Recent Federal General Election.

What Congress wants to do is establish a baseline against which to measure progress, or lack thereof, in voter registration as a result of the NVRA.



For the 1997 report, "the federal general election two years prior to the most recent federal general election" refers to the November 1994 election. Since the NVRA was not in effect until January 1, 1995, the Secretary of State will be using the number county elections officials transmitted on their 29 day close voter registration report. Starting in 1999, county elections officials will need to report, on a form provided by the Secretary of State, the number of "active" and inactive" voters for the specified election. Please refer to the section of this guidebook on the list maintenance procedures for a more complete explanation of "active" and "inactive" voters. Briefly,

1. an "active" voter is any voter currently on your list of registered voters.
2. an "inactive" voter is one who is still on your list of voters, but for whom you have received information indicating the voter is no longer at the address on his/her voter registration card, you have sent an "8d2" notice, the voter has not showed up to vote since the notice was sent, but a period of time encompassing two federal general elections has not passed since you mailed the notice.

Please refer to the list maintenance section of this guidebook.

**B. The Total Number of Registered Voters in the Most Recent Federal General Election.**

For the 1997 report, "the most recent federal general election" is the November 1996 election. Again, every March 1 of the odd-numbered years county elections officials will need to report, on a form provided by the Secretary of State, the number of "active" and "inactive" voters for the specified election.

**C. The Total Number of New, Valid Registrations Received by the Elections Official between the Past Two Federal General Elections.**

For the 1997 report, the reporting period is January 1, 1995 to the November 1996 election. For the 1999 report, the reporting period will be the November 1996 election to the November 1998 election. Thereafter, the reporting period will be the period between the two previous November elections in the even-numbered years. County elections officials will need to report the total number of new registrations. This number includes:

- a. new voters who have never registered to vote before; and
- b. voters who were registered in another county, and have moved and registered to vote in your county.

This does not include people who are:

- (1) "duplicate" registrations, defined in the regulations as "an offer to register by a person already registered to vote at the same address, under the same name, and, where applicable, in the same political party;
- (2) currently on your voter roll, but for any reason, re-register to vote;
- (3) ineligible to be voters as determined by your office.

**You will probably need to modify your computer system to be able to track these categories of registrations.** (e.g. one method of modifying your system is to have it identify people in the categories "1," "2," and "3" above and then somehow flag them as such. All remaining entries onto the voter roll would then be the "new, valid" registrations. The system then needs to be configured, so that it can add up all the new, valid" registrations for the time period specified.

**D. The Total Number of "Inactive" Voters, after Certification of the Election of the Most Recent Federal General Election.**

County election officials will need to report the total number of voters who remain on the "inactive" section of the voter roll after the federal general election preceding your report. For example, in your March 1, 1997 report, this would be the number of voters in the "inactive" portion of your voter roll **after** you have re-activated those "inactive" voters who voted under the fail-safe provisions in the November 1996 election.

**NOTE:** You will need to modify your computer system to not only identify voters you send an 8d2 confirmation mailing to, you need to apply the date in which you sent an 8d2 notice to each voter, the date in which you received a response, if any, from the voter, as well as the date in which you actually changed the voter to an "inactive" status. The system should also alert you when two federal general elections have occurred after the 8d2 confirmation mailing was sent and the voter has not

voted, nor has there been any notice changing or confirming an address, in which case the voter can be removed from "inactive" status, and deleted entirely from the voter roll. Voters who respond to the 8d2 mailing that they are still in your county, who appear to vote on election day in your county, or otherwise indicate that they still reside in your county and wish to continue to be registered voters, should be immediately placed on "active" status.

**E. The Total Number of "Deletions" from the Voter File between the Last Two Federal General Elections.**

For the 1997 report, the reporting period is January 1, 1995 to the November 1996 election. For the 1999 report, the reporting period will be the November 1996 election to the November 1998 election. Thereafter, the reporting period will be the period between the two previous November elections in the even-numbered years. You will need to report the total number of voters removed from your voter roll for any of the following reasons:

1. death;
2. imprisoned or on parole for the conviction of a felony;
3. declared mentally incompetent;
4. voter notification to the elections office, DMV, or another agency that they want their voter registration removed from the county voter roll;
5. deleted from the "inactive" portion of the voter roll. (i.e. those who have been sent an 8d2 notice, been "inactive" for two federal general elections, etc.)

**This does not include** people who re-registered, but continue to live in your county.

**F. The Total Number of Registrations Received from or Generated by Each Type of Agency Required by the NVRA to Register Voters and Other Sources of Registration.**

For the period between the last two federal general elections, (except for the 1997 report, which will be for the period between January 1, 1995 and the November 1996 election) county elections officials will need to report the total number of voter registration cards your county received (regardless of whether they were valid, rejected, duplicates, or address, name or party changes) that were received from or generated by each of the following categories (each is described in more detail below):

**1. Voter Registration Cards which Arrive through the Mail**

These are voter registration cards that meet the following criteria:

- a. from voters residing in your county; and
- b. received through the mail by:
  - (1) your office;
  - (2) another county elections office and forwarded to your office;
  - (3) the Secretary of State, and forwarded to your office.

As long as the voter registration cards were received by an elections office through the mail, you should record and report them in this category. The only exceptions would be voter registration cards you can track as having been generated by an NVRA agency.

**2. Voter Registration Cards from the Department of Motor Vehicles**

(Please refer to the section of this guidebook describing how the registration process at DMV offices will be implemented.)

- a. The DMV tracks the number of forms received from voters over their public counters.
- b. These forms are, on a daily basis, packaged and sent to the county elections official in which the DMV office is located.

- c. The DMV generated voter registration forms are on a lighter stock paper, easily distinguishable from the "regular" or "national" voter registration forms.
- d. In the same way you handle all your other incoming voter registration cards, you will forward cards of voters who reside in other counties to the appropriate counties.

County election officials will need to report all the voter registration cards received from the DMV as follows:

- (1) cards you received from the DMV office in your county for voters who reside in your county; and
- (2) cards you received from other elections offices (including the Secretary of State) that they received from DMV offices for voters who reside in your county, and
- (3) intra-county changes of address received from the DMV.

3. Voter Registration Cards from Public Assistance Agencies (including Food Stamps, AFDC, MediCal, WIC)

(Please refer to the section of this guidebook describing the process for registration at public assistance offices.)

The procedures for tracking and reporting registrations at agency offices will include:

- a. County elections officials will distribute, from their regular stock, voter registration cards to the designated public assistance agencies.
- b. You will be responsible for tracking ranges of affidavit numbers assigned to each agency. (Note: the agencies, in turn, may want to track which batch they provide to each of their programs or sites.)

- c. Elections officials may want to track the number of these cards which are returned from each office from each of the different types of agencies. This will help you to identify which agencies are doing a good job, and which agencies need further training in properly completing voter registration cards.
  - d. **Very Important :** The ranges of numbers on the voter registration cards must be kept confidential, since no one should be able to learn that a voter registered at an agency providing services to persons with disabilities. For example, if cards with affidavit numbers from XX700001 - XX800000 are set aside for public agencies, a smart campaign worker may figure that out and you may be liable. (Suggestion: issue voter registration cards in small enough batches, so it will be more difficult for someone to determine that a range of affidavit numbers is for voters receiving some kind of public assistance - perhaps you want to intersperse cards to public assistance agencies with those going to the armed forces recruiting offices, post offices, libraries, etc.
4. Voter Registration Cards from State-funded Agencies Primarily Serving Persons with Disabilities.
- a. The county elections official may wish to be pro-active and contact offices in the county which provide state funded programs to persons with disabilities.
  - b. As with the public assistance agency, you should issue the registration cards to each office.
  - c. When you issue these cards, you may wish to record the affidavit numbers, so that when you receive these cards, you will know from which office they came.
  - d. **Very Important:** The ranges of numbers on the voter registration cards must be kept confidential, since no one should be able to learn that a voter registered at a public assistance agency. See section 3,d, above for more information.

5. Voter Registration Cards from Armed Forces Recruitment Offices.

The Federal Voting Assistance Program intends to provide Armed Forces Recruitment offices with the **national** form. County elections officials may wish to supply their local recruitment offices with the state form as well.

County elections officials will need to record and report all voter registration cards received from these armed forces recruitment offices.

6. Voter Registration Cards from Other Designated Agencies.

In addition to the above-named agencies, the state is required to designate at least one "other" agency.

Please refer to Chapter 4 in this manual for a listing of the agency offices.

7. Voter Registration Cards from All Other Means

County elections officials will need to record and report the total number of registrations received over the counter from other means, such as:

- a. voter registration drives;
- b. political parties;
- c. petition circulators;
- d. schools;
- e. individuals and/or organizations not itemized above.

**G. The Number of "Duplicate" Registrations Received from Each of the Types of Agencies and Offices listed in #F Above.**

For NVRA purposes "duplicate" registration means a voter registration card from a person who is already registered at the same address, under the same name, and in the same political party.

For this category, the county elections official will need to record and report the total number of "duplicate" registrations your office received from each of the seven source types listed in Section F above:

1. mail;
2. DMV;
3. public assistance agencies;
4. state-funded agencies serving the disabled;
5. armed forces recruiting offices;
6. local elections offices; and
7. all other means.

You may wish to put these "duplicate" registrations in one place, and count them for your report, or you may want to somehow change your computer program to indicate a "duplicate" registration for the particular voter already on your file, and have the computer add up the number within the date range that you key in.

Again, the time frame for this record keeping requirement is the period between the previous two federal general elections.

**H. The Total Number of "Confirmation" (i.e. 8d2) Notices Mailed Out in Accordance with the List Maintenance Provisions of the NVRA, In addition, the Total Number of Responses to the Notices.**

See the section of this guidebook describing the list maintenance provisions of the NVRA.

Briefly, there are several reasons which would require or permit the county elections official to remove the name of a person from active voter status:

1. the voter notified your office in writing that s/he no longer wants to be a registered voter in your county - this includes a new registration card, notification from another county that the person has re-registered in their county, DMV change of address notice, post office change of address card completed and sent by the voter, note, postcard, or letter;



2. another source has notified you that the person is no longer at the address you have on her/his most recent voter registration card. Based on this information, you send a "confirmation" (8d2) notice, and a period of two federal general elections has passed since you mailed this notice, and the voter has not shown up to vote or otherwise indicated that s/he still resides at that address during this period of time.

For this second category, the county elections official (you) will need to include record and report:

- a. the total number of confirmation (8d2) notices you sent to registered voters between the past two federal general elections, except for the 1997 report which will be for the period starting January 1, 1995 to the November 1996 election); and
- b. the total number of responses (positive and negative) received as a result of the confirmation notices during the same time period.

### **III. Information that Must Be Collected and Maintained**

In addition to reporting the total number of confirmation (8d2) cards sent, the local elections official must also maintain for two years the names and addresses of all persons mailed these confirmation notices. This information must be available to people who request to see it. Most counties will maintain this information in their computer system, and provide the information by tape or floppy disk, unless the person/organization requesting the information wants it on paper.

### **IV. Additional Information**

The Secretary of State will ask county elections official to report, in narrative form, any comments or suggestions you have for the improvement of procedures for registration to meet the goals and intent of the NVRA.

Since this is probably the most significant change to elections to occur in the last 20 years in California, we ask that you keep track of your experience in implementing NVRA and pass on your success stories as well as information on procedures which might be improved upon.

## **V. Information Specifically NOT Required to be Reported**

The federal regulations specifically identify several data elements not required to be reported, including:

- A. the number of bilingual registrations;
- B. the number of "declinations" received at each DMV or agency office;
- C. the number of voters who cast ballots under the "fail-safe" provisions of NVRA (for the purposes of introducing legislation to allow voters who move anywhere within a county, regardless of congressional district, we may wish to keep statistics about the number of people who voted using this provision);
- D. the number of persons who registered under one of the NVRA provisions and actually cast ballots;
- E. postal or other costs

# Rules and Regulations

Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## FEDERAL ELECTION COMMISSION

### 11 CFR Part 8

[Notice 1994-8]

### National Voter Registration Act of 1993

AGENCY: Federal Election Commission.

ACTION: Final rules.

**SUMMARY:** The Federal Election Commission is promulgating regulations governing the national mail registration form and recordkeeping and reporting requirements under the National Voter Registration Act of 1993 ("NVRA" or "the Act").

**DATES:** These rules will take effect July 25, 1994.

**FOR FURTHER INFORMATION CONTACT:** Ms. Susan E. Propper, Assistant General Counsel, 999 E Street, NW., Washington, DC 20463, (202) 219-3690 or 1-800-242-9530.

**SUPPLEMENTARY INFORMATION:** Under section 9 of the National Voter Registration Act of 1993, Public Law 103-31, 197 Stat. 77, 42 U.S.C. 1973gg-1 *et seq.*, the Federal Election Commission is required to develop a national mail voter registration form ("form") for elections to Federal office, and to submit to Congress no later than June 30 of each odd-numbered year (beginning June 30, 1995), a report that assesses the impact of the Act and recommends improvements in Federal and state procedures, forms, and other matters affected by the Act. 42 U.S.C. 1973gg-7(a). The Commission has no interpretive authority beyond these areas, and no enforcement powers under the NVRA.

On September 30, 1993, the Commission published an Advance Notice of Proposed Rulemaking ("ANPRM") to gain general guidance from the regulated community and other interested persons on how best to carry out these responsibilities. 58 FR 51132.

The Commission received 65 comments from 63 commenters in response to the ANPRM. In addition, the Commission's National Clearinghouse on Election Administration conducted surveys of state election officials to obtain information on state laws and procedures that impact on Commission responsibilities under the NVRA.

The Commission published a Notice of Proposed Rulemaking ("NPRM") on March 10, 1994 to seek comments from the regulated community and other interested parties on the specific items of information that it proposed to include on the mail registration form, and on the specific items of information that it proposed be required from the states to carry out the Act's reporting requirements. 59 FR 11211. 108 comments were received in response to this notice.

Several of the comments addressed issues outside the Commission's rulemaking authority. The Commission's rulemaking authority does not, for example, extend to superseding regulations of the U.S. Postal Service, to revising specific state voter eligibility requirements, or to interpreting how decisions on the national form affect state voter registration forms.

In addition to the comments received, the Commission conducted several surveys of state election officials to ascertain whether or not they plan to develop and use their own state mail and agency registration forms (or use the national form), and to clarify certain state voter registration requirements and procedures. These surveys are also part of the rulemaking record on which the final rules are based.

The Commission notes that this rulemaking does not apply to states where, on and after March 11, 1993, there was no voter registration requirement for any voter in the state with respect to an election for Federal office, or all voters in the state may register to vote at the polling place at the time of voting in the general election for Federal office, because such states are exempt from complying with provisions of the National Voter Registration Act under 42 U.S.C. 1973gg-2(b).

### Statement of Basis and Purpose

The Commission is charged with developing a single national form, to be accepted by all covered jurisdictions,

that complies with the NVRA, and that: Contains all elements necessary for jurisdictions to determine voter qualification and to administer voter registration and other parts of the election process (42 U.S.C. 1973gg-7(b)(1)); specifies each eligibility requirement (including citizenship) (42 U.S.C. 1973gg-7(b)(2)(A)); contains an attestation that the applicant meets each such requirement (42 U.S.C. 1973gg-7(b)(2)(B)); and requires the signature of the applicant, under penalty of perjury (42 U.S.C. 1973gg-7(b)(2)(C)).

In addition, 42 U.S.C. 1973gg-7(a)(3) requires the Commission to submit to the Congress not later than June 30 of each odd-numbered year a report assessing the impact of the NVRA on the administration of elections for Federal office during the preceding 2-year period. The report shall also include recommendations for improvements in Federal and state forms, procedures, and other matters affected by the Act.

### General Provisions

Section 8.1 of the final rules summarizes the purpose and scope of this new part of the Code of Federal Regulations.

Section 8.2 defines various terms used in this part. Paragraph (a) defines "form" as the national mail voter registration application form, which includes the registration application, accompanying general instructions for completing the application, and state-specific instructions.

Comments received in response to the NPRM suggested a number of minor revisions to this definition. Some of the comments were directed at ensuring the application could be separate from the instructions and that the application could be reproduced. The issues of separate applications and the reproduction of applications are addressed below in Section E "Production of Forms", rather than in the definition.

Paragraph (b) defines "Chief State Election Official" as the designated state officer or employee responsible for the coordination of state responsibilities under 42 U.S.C. 1973gg-8. This is the same definition proposed in the NPRM and no comments were received.

Paragraph (c) defines "Active voters" to mean all registered voters except those who have been sent but have not responded to a confirmation mailing sent in accordance with 42 U.S.C.

1973gg-6(d) and have not since offered to vote. Paragraph (d) defines "inactive voters" to mean registrants who have been sent but have not responded to a confirmation mailing sent in accordance with 42 U.S.C. 1973gg-6(d) and have not since offered to vote.

Several commenters questioned the definitions of "active" and "inactive" voter. According to the NVRA's legislative history, states may designate registrants, under certain circumstances, as "inactive". See, e.g. S. Rep. No. 6, 103d Cong., 1st Sess. 33 (1993). The term "inactive" as used in the legislative history refers to registrants who have neither responded to the confirmation mailing required in 42 U.S.C. 1973gg-6(d) nor since offered to vote. The term "active", therefore, encompasses all registered voters except those who have been declared "inactive".

Paragraph (e) defines "Duplicate registration application". Several commenters to the NPRM expressed concern that the proposed definition of duplicate registration could be construed to include registration applications that have been submitted to inform the election official of important changes to a registrant's information. The Commission, therefore, modified the definition to mean an offer to register by a person already registered to vote at the same address, under the same name, and (where applicable) in the same political party.

New paragraph (f) defines "State" to mean a state of the United States and the District of Columbia not exempt from coverage under 42 U.S.C. 1973gg-2(b).

New paragraph (g) defines "Closed primary state" to mean a state that requires party registration as a precondition to vote for partisan races in primary elections, or to participate in other nominating processes such as political party caucuses or conventions. Some commenters expressed concern that the term "closed primary" is not universally understood and could confuse the applicant. The term, therefore, is used in the final rules for the sake of convenience but will not be included in the instructions for the national form.

#### **The National Mail Voter Registration Form**

In developing the regulations for the national form, the Commission considered what items are deemed necessary to determine eligibility to register to vote and what items are deemed necessary to administer voter registration and other parts of the election process in each state. The

Commission also considered how to accommodate such administrative and legal requirements as electronic imaging, additional information space for office use, and the bilingual provisions of the Voting Rights Act ("VRA"). Finally, the Commission considered what layout and format would best meet the requirements of the NVRA, the administrative needs of election officials, and the Commission's goal of a form that is as "user friendly" and clear as possible to the applicant.

#### **I. Items To Be Included on the Form**

Some comments in response to the NPRM suggested that the regulations clearly state which items are required and which are optional. The final rules indicate which items are only requested (optional) and which are required only by certain states and under certain circumstances (such as the declaration of party affiliation in order to participate in partisan nominating procedures in certain states). The remaining items, by inference, are considered to be required for registration in all covered states. In making this determination, however, the Commission expresses no opinion on whether or not election officials may process applications when applicants fail to complete any of the required items, as this is beyond its authority under the Act.

The Commission has determined that the following information items are necessary to assess the eligibility of the applicant or to administer voter registration or other parts of the election process, and thus has included them on the national mail voter registration form as specified at 11 CFR 8.4.

#### **A. Full Name of Applicant**

Paragraph 8.4(a)(1) requires the applicant's name (last name first, then first name, and then the middle name) and the inclusion of an area for designating any suffix to the name (such as Jr., Sr., II, III, or IV). No commenters opposed this approach.

The NPRM also sought comments on the desirability of requesting gender on the application. In response to commenters requesting that the form ask the applicant's gender to assist in voter identification in cases of ambiguous or similar names, paragraph 8.4(a)(1) includes an optional prefix. The Commission intends to provide an area on the national application where the applicant may choose to circle the appropriate prefix (such as Mr., Mrs., Ms., Miss).

#### **B. Former Name, If Applicable**

In order to facilitate the maintenance of accurate voter registration records,

paragraph 8.4(c) of the final rules includes on the form a field for this information. The form will also contain instructions explaining that if the application is to be used to report a change of name, then the applicant should complete both the application and item B on a detachable portion of the application. No comments were received opposing this provision.

#### **C. Address Where You Live**

The NPRM proposed that the applicant be required to provide a complete residential address. Many commenters supported this proposal in its entirety. The NPRM also proposed that the form include an area in the detachable portion of the application for applicants to sketch a map identifying the physical location of their residence in cases where street names, numbers, or rural route box numbers alone are insufficient. There was no opposition to this proposal.

However, the NPRM would have required the national form to include an instruction not to use rural route numbers for residential address. One state election official noted that rural route with a box number was as acceptable for residence address as street address with house number. In response to a survey, several others agreed with this comment. Another election official noted that a locational map would still be needed for rural route addresses to identify the applicant's election district because the box number may be physically located across the street from the dwelling and the street may serve as the dividing line for local election districts. A representative of the U.S. Postal Service confirmed that the post office is assigning box numbers to all rural routes and star routes.

Paragraph 8.4(a)(2), therefore, contains modified language to note that a rural route with box number is an acceptable residential address. Paragraph 8.4(c) continues to provide a place for applicants to draw a simple locational map. While rural or star route numbers are sufficient residential addresses if they include a box number, applicants in rural areas will still need to complete the locational map in order that they may be placed in the proper election districts. The instructions will note that this map also may be used by individuals with non-traditional residences (such as those living on city streets) to show where they live.

*D. Address Where You Get Your Mail (If Different from the Address Where You Live)*

The NPRM proposed that the applicant's mailing address be included if it is different from the physical address. No objections were received to this proposal. This information would be provided by applicants with post office boxes, rural or star routes without box numbers, and mailing addresses for non-traditional residences. Paragraph 8.4(a)(3), however, has been modified to reference rural and star routes without box numbers because those with box numbers are now considered acceptable for residential address.

*E. Former Address, If Applicable*

The NVRA requires at 42 U.S.C. 1973gg-4(a) that the national form be usable as a change of address form as well as an original registration application. In addition, the states have indicated that the applicant's former address is necessary on new registrations to facilitate canceling prior registrations. The NPRM proposed that the form include instructions explaining that if the application is used for a new registration or change of address, then the applicant should provide in the detachable portion of the application the former address at which he or she was registered. There were no objections to this proposal; accordingly, this provision is retained in paragraph 8.4(c) of the final rules.

*F. Date of Birth*

Since there were no objections to requiring the date of the applicant's birth as proposed in the NPRM, paragraph 8.4(a)(4) of the final rules continues to require the applicant's date of birth on the form in the standard month-day-year sequence.

*G. Telephone Number (Optional)*

Although not absolutely necessary, the applicant's telephone number is thought to be necessary or desirable by most of the election officials responding to a state survey, primarily as a means to enable registrars to clarify or complete required items of information by telephone rather than rejecting questionable applications outright. The NPRM proposed that the form request the applicant's telephone number as an optional item, so as to avoid undue intrusion into the applicant's privacy.

There were a few objections to this proposal. One commenter wanted the phone number to be mandatory and another wanted the Commission to exclude this element. A third commenter wanted the form to designate "daytime" or "evening"

phone number. For the reasons listed above, paragraph 8.4(a)(5) of the final rules continues to request the telephone number as an optional item, permitting the applicant to decide which number is appropriate.

*H. Voter Identification Number (for States That Require or Request It)*

States currently use voter identification numbers in the administration of voter registration to assist in identifying name changes for individuals already registered; to differentiate between individuals of the same or similar name and the same birth date to prevent duplicate registrations; to identify registrants who have moved within a jurisdiction and facilitate the transfer of change of address information from motor vehicle and agency registration sites; and to combat voter fraud through removal of registrants who are no longer eligible to vote in a particular jurisdiction. The identification number is also the primary key for many computer operations related to the administration of elections (such as voter registration and review of ballot access petitions), without which staff would have to enter significantly more information or run through several iterations of an operation to find the record of a particular individual, slowing the process and increasing the possibility of duplicate registrations.

The issue of requesting or requiring an identification number from voter registration applicants raises difficult questions. The ANPRM sought comment on the alternative of requiring only the last four digits of the applicant's social security number as a means of meeting privacy concerns while still allowing the use of these numbers for identification purposes. State and local election officials, however, made compelling arguments in support of the need for full voter identification numbers. They argued that the last four digits were insufficient to differentiate between individuals, particularly in large areas with highly mobile populations where the incidence of individuals having the same or very similar last four digits increases. Several also contended that the last four digits do not provide a sufficient identifier for use with a number of established automated voter registries, driver's license records, and other agency records.

The Commission was also concerned that requiring only the last four digits would arbitrarily impose on the states an identification system that might conflict with current state needs and practices, and ultimately conflict with

future individual identification systems currently under discussion or development in the public and private sectors. The NPRM proposed that the application provide a field for whatever identification number might be required or requested from the applicant's state of residence. The general instructions would direct the applicant to the instructions for that state, where the request or requirement would be identified.

A number of commenters, primarily election officials, supported this proposal. These commenters repeated arguments originally made in response to the ANPRM on the need for the full social security or other identification number in the administration of voter registration and other parts of the election process.

Commenters who opposed it felt that the requirement should either be eliminated or simplified by requiring only the last four digits of the social security number. Some commenters protested that the proposed procedure would be onerous because it would require the applicant to look up the appropriate state requirements and provide a number that might not be easily remembered. Some argued that the number cannot be deemed necessary because only a minority of states currently require it. Others were concerned about confidentiality issues associated with providing a social security number for records that may be accessible to the public. One commenter expressed concern that the Commission's proposal would encourage states that do not now request a voter identification number to begin doing so.

While only 13 states may and do require the applicant to provide their full social security number under provisions of the Federal Privacy Act of 1974 (5 U.S.C. 552a note), 21 others (including some states that do not now request such information) stated in response to a Commission survey that they consider the social security number or other number such as the driver's license number either necessary or desirable for the administration of voter registration. Some states prohibited by the Privacy Act from requiring the social security number find that by requesting it, the majority of registrants will provide the number, thereby facilitating the maintenance of accurate voter registration records.

Seventeen states currently do not request or require such an identification number, but most of these have relied upon place of birth information to assist them in distinguishing between individuals with similar names and the

same date of birth. As noted below, final rules will exclude place of birth from the national form; therefore, that information will not be available when applicants use the national form. Such states may thus turn to requesting a voter identification number, in lieu of place of birth. Some are considering the use of an identification number to facilitate the automated transfer of change of address information from motor vehicle offices and agencies designated to register voters.

Voter identification numbers are not necessary for determining the eligibility of the applicant. Nevertheless, a field for this number has been included on the application because a majority of states indicated that it is necessary to effectively administer the voter registration process. The Privacy Act permits (and federal courts have upheld) states' rights to require the social security number for voter registration records if the state had required it by statute or regulation prior to January 1, 1975; and the Public Health and Welfare Code (42 U.S.C. 405) permits agencies that are required to be or that may be designated as voter registration sites under the NVRA (such as state motor vehicle, general public assistance, and tax offices) to require social security numbers for their records administration.

Paragraph 8.4(a)(6) retains the provision referring applicants to their particular state's requirements for an identification number because the Privacy Act permits some states to require the full social security number while others may only request it; some states may choose some other number such as a driver's license number; and some states will be satisfied with the last four digits of the social security number. The Commission will make the instructions as simple as possible to reduce any potential confusion.

While some commenters expressed concern about the issue of maintaining the confidentiality of social security numbers, the Commission believes that this is best left to the states and courts who have begun to address the matter.

#### ***I. Political Party Preference (for States Where it is Required to Participate in Partisan Nominating Procedures)***

The NPM proposed that a field be provided for applicants to declare political party preference when registering in states that require this information in order to participate in partisan nominating processes. Applicants completing the form would have been directed to consult the accompanying instructions for their state of residence to determine whether

their state requires this designation, and if so, how to determine whether their preferred political party is recognized in their state, and to offer "unaffiliated" as an alternative to designating a political party.

Many commenters supported this proposal, but others objected to certain aspects. Some commenters objected to the proposal that applicants telephone the state election office to determine if a particular party was recognized. Their suggested solutions included modifying the instructions to list qualified political parties by state and providing the state election official's telephone number for information on parties that qualified after the booklet was printed. In addition, some commenters suggested that "no party registration" or "none" would be more easily understood than "unaffiliated".

The Commission, while sensitive to these concerns, has determined that it would be inadvisable to list parties currently recognized by each state, both because such recognition may be removed and because other parties may be recognized subsequently. On the other hand, having applicants call for information on newly qualified parties requires an additional step in the registration process. Furthermore, the Commission notes that the telephone numbers of state election offices often change over short periods of time, a fact which would necessitate frequent revision of the instructions for the national form.

Therefore, paragraph 8.4(a)(7) provides that the instructions direct applicants to consult the accompanying instructions for their state of residence to determine if that state requires this information in order to participate in partisan nominating processes. The instructions will note that if applicants registering in these states list "none", leave the field blank, or list a political party not recognized by the state, they may be prohibited from voting in partisan nominating contests but can still vote in other elections.

#### ***J. Signature of Applicant Under Oath***

Virtually every state requires the signature of the applicant under penalty of perjury. In addition, the Act requires the signature of the applicant under penalty of perjury. 42 U.S.C. 1973gg-7(b)(2)(C). This requirement is reflected in paragraph 8.4(b)(3).

The Act further requires a statement that "specifies each eligibility requirement (including citizenship)" and "contains an attestation that the applicant meets each such requirement." 42 U.S.C. 1973gg-7(b)(2)(A) and (B). Because states vary

significantly in their specific voter eligibility requirements, the NPRM proposed that the application identify U.S. Citizenship (the only eligibility requirement that is universal) and then incorporate by reference the other specific voter eligibility requirements of each individual state (such as age, residence, criminal conviction, and mental incapacity), directing the applicant to the instructions under the applicant's state for the list of those requirements. Because a few states require a special pledge of allegiance to their state Constitution or other special oath as an eligibility requirement, the NPRM proposed to incorporate by reference any such state pledge in the oath on the national application. This approach is retained in paragraph 8.4(b)(1) of the final rules.

One commenter proposed modifying the oath to attest that signing the application authorizes cancellation of previous registrations. This modification has not been included both because it is not required by the NVRA, and because the applications may be used to change information on the registry, and cancellation of the previous registrations would not be appropriate in such cases.

Some commenters argued that at least some of the states' eligibility requirements could be simplified (especially regarding party affiliation, criminal conviction, and mental incapacity) so that they could be listed on the application along with citizenship. However, there are enough variations in state eligibility requirements that such an approach could misstate the requirements of particular states, mislead the applicant, and unduly complicate the application. Accordingly, paragraph 8.4(b)(1) of the final rules retains the original proposal.

The NPRM also proposed that the applicant sign a statement that he or she has read the accompanying booklet, and to the best of his or her knowledge, meets the requirements as stated on the form and in the accompanying instructions. Numerous commenters noted that this requirement could both constitute a literacy test prohibited by the Voting Rights Act and discriminate against the visually impaired. These commenters urged that the form simply require the applicant to attest to meeting each requirement, in accordance with 42 U.S.C. 1973gg-7(b)(2)(B). The Commission agrees; accordingly, paragraph 8.4(b)(2) of the final rules has been so modified.

#### ***K. Date of Signature***

While no commenters opposed the proposal in the NPRM that a field be

provided for the date of signature in the standard month-day-year format, one election official suggested that states be permitted to accept applications even when this information has not been provided. The Commission considers this a matter for states to decide; therefore, paragraph 8.4(b)(3) retains this provision.

*L. If You Are Unable to Sign Your Name, The Name, Address, and (Optional) Telephone Number of the Person Who Assisted You In Completing This Form*

A few commenters expressed concern about the proposal to require the name, address, and telephone number of the person assisting an applicant who is unable to sign his or her name. They noted that such a requirement might have a dampening effect on participants in organized voter registration drives, especially in poor rural areas; and that such a requirement might constitute the kind of "formal authentication" prohibited by the Act.

However, in cases where the applicant is unable to sign the application, and only in such cases, it may be legally or administratively necessary to require the name, address, and (optional) telephone number of the person assisting the applicant as a reasonable means of deterring or detecting fraudulent voter registration applications. Such an important purpose outweighs whatever dampening effect the requirement might have on those providing assistance. Moreover, some states have indicated that they will not process an application without the applicant's signature unless information on the person assisting the applicant has been provided. Paragraph 8.4(b)(5), therefore, retains this requirement.

Such a requirement does not constitute the kind of "formal authentication" prohibited by the Act. The Act's use of "formal authentication" in conjunction with its use of "notarization" refers to an official act by a public officer. The mere identification of the person who provided assistance to an applicant unable to sign the application does not, then, qualify as "formal authentication."

One commenter suggested that the regulations prohibit this item from being used as a means of formal authentication. Since the NVRA already prohibits mail registration forms from including any requirement for notarization or other formal authentication, at 42 U.S.C. 1973gg-7(b)(3), the regulations need not restate this prohibition.

*M. Race/Ethnicity*

Both the ANPRM and the NPRM sought comments on whether "race/ethnicity" should be included on the national mail registration form. Those who responded to this issue presented a wide range of well-reasoned arguments.

Arguments raised in support of requiring "race/ethnicity" included: it is necessary to monitor the effectiveness of registration efforts under the Act; it is necessary to comply with the intent of the NVRA to eliminate barriers to equal voter registration; it is essential for full enforcement of the NVRA's anti-discrimination provisions concerning confirmation mailings; it would provide a statistical basis for administering and enforcing the Voting Rights Act; it is necessary under the U.S. Constitution to determine whether a jurisdiction unconstitutionally discriminates on the basis of race; and it would serve as a guide to determine minority representation of pollworkers.

Arguments presented against asking "race/ethnicity" included: it is not necessary to determine eligibility to vote; it is not essential for voter registration purposes; it is not necessary to comply with the intent of the NVRA; it is not required by the Voting Rights Act; it could have a chilling effect on voter registration, because applicants may view such a request as personally offensive, an invasion of privacy, or intimidating; it would require an unwieldy and/or emotionally charged classification scheme of possible races or ethnic groups; it could lead to an application's being rejected because the applicant failed to indicate his or her race or ethnicity; and it could result in some applications being more closely scrutinized than others on the basis of the applicant's race or ethnicity.

The Commission considered several options on how best to deal with this issue. These included requiring "race/ethnicity" from every applicant using the national voter registration form in every state; requiring "race/ethnicity" as an optional item in every state; requiring "race/ethnicity" only in those states that currently require it under state law; providing a box for "race/ethnicity" on the application, with instructions to applicants to complete the space in accordance with the state-specific requirements listed for their states; and not requesting or requiring "race/ethnicity" on the application.

Requiring "race/ethnicity" on every form from every applicant using the national voter registration form in every state would facilitate the enforcement and administration of those sections of

the Voting Rights Act that involve determinations of racial impact, along with any monitoring of the racial impact of the NVRA itself. It would also satisfy all of the other arguments in favor of asking "race/ethnicity," and is simple and straightforward for the applicant.

However, adopting this option would raise the difficult question of whether the Commission can impose requirements beyond what many states require under state law. It also fails to accommodate any of the concerns expressed by those opposed to including this item, especially the concern that applications might be rejected simply because applicants failed to respond to the question.

The Commission notes that any approach that does not require "race/ethnicity" nationwide would not be helpful in administering Section 2 of the Voting Rights Act (42 U.S.C. 1973), or in monitoring the racial impact of the NVRA, in states that do not require this information. However, the data generated through the NVRA form in states that do not otherwise seek this information would likely be of limited use either under Section 2 of the VRA, or in monitoring the racial impact of the NVRA.

If "race/ethnicity" were to be requested as an optional item nationwide, states that do not currently require this information would be unlikely to reject applications from those who failed to respond to the question. This approach would also satisfy a number of other concerns from those opposed to including the question. For example, those opposed to providing this information on personal privacy grounds would not be required to do so. Finally, it is simple and straightforward for the applicant.

Its principal disadvantage is that, to the degree that applicants fail to respond, there would be gaps in the data bases of states that currently require this information and use it to help maintain racial statistics to help in administering Section 5 of the VRA (42 U.S.C. 1973c).

Requiring "race/ethnicity" only in those seven states that currently require it under state law would neither enhance nor hinder current data collection efforts pursuant to Section 5 of the VRA. This would be consistent with current state practices to require "race/ethnicity" in states that currently do so but would not impose this requirement on applicants in states that do not. However, this approach would not serve the needs of the two states that currently request but do not require this information.

Omitting "race/ethnicity" entirely would simplify the application form.



booklet, and process, while satisfying all the concerns of those opposed to asking for this information. However, this could diminish data collection efforts pursuant to Section 5 of the VRA by creating gaps in the data bases of those states that currently require this information and use it for this purpose.

After considering all of these options, the Commission has decided to provide a box for "race/ethnicity" on the application, with instructions to applicants to complete the space in accordance with the state-specific requirements for their states. This approach is most consistent with current state practices, in that it requires or requests "race/ethnicity" in states that currently do so without imposing it on applicants in states that do not. It also accommodates changes in state requirements by permitting changes in the booklet portion of the form without having to change the application itself.

Thus, new paragraph 8.4(a)(8) includes a field for "race/ethnicity" on the national mail registration application, to be completed by applicants if applicable for their state of residence. It also states that the application shall direct the applicant to consult the state-specific instructions to determine whether "race/ethnicity" is required or requested by his or her state.

## II. Items to be Excluded From the Form

The Commission has determined, in consultation with the states, to exclude the following items from the national mail voter registration form because they do not meet the "necessary threshold" of the NVRA to assess the eligibility of the applicant or to administer voter registration or other parts of the election process.

### A. A Checkbox To Identify Whether the Application is a New Registration, Address Change, Name Change, or a Party Change

The NPRM proposed that this information be requested in a checkbox as the first item on the application to facilitate the maintenance of accurate voter registration lists. Some commenters noted that this field is unnecessary so long as the applicant is required to complete the application and also provide former address and, where appropriate, former name. Others noted that they have found the use of such a checkbox to be unreliable.

Accordingly, this provision has been deleted from the final rules.

### B. Information on Former Party Affiliation

The NPRM proposed that applicants be required to provide information on

former party affiliation on a detachable portion of the application. One state election official objected to this proposal because the only way to establish or change party affiliation in his state was to vote in the party's primary election. In addition, information on former party affiliation is not considered necessary to maintain accurate voter registration records. Accordingly, this requirement has been deleted.

### C. Gender

The NPRM invited comment on the desirability of including a field for gender on the national voter registration application. Comments made in response were mixed.

The principal argument including gender was that it is unnecessary in determining the eligibility of the applicant.

Arguments for including it were twofold: that it is useful in voter identification in cases of ambiguous or similar names, and that it is desirable for generating statistics sought by researchers, candidates, and the media.

Given these legitimate viewpoints, paragraph 8.4(a)(1), as discussed above, provides for an optional prefix to the applicant's name. Although not including a gender field per se, the application will list the possible choices of "Mr.", "Mrs.", "Miss", or "Ms." in a box before the field for the applicant's name.

### D. Information Regarding Naturalization

Many commenters agreed that information regarding naturalization should not be included on the national mail voter registration application. While several commenters stated that information regarding whether or not an individual has become a naturalized citizen is essential in order to assess an individual's qualifications for voting, numerous others urged the Commission to exclude any items, including information regarding naturalization, that are not absolutely essential to the registration process.

While U.S. citizenship is a prerequisite for voting in every state, the basis of citizenship, whether it be by birth or by naturalization, is irrelevant to voter eligibility. The issue of U.S. citizenship is addressed within the oath required by the Act and signed by the applicant under penalty of perjury. To further emphasize this prerequisite to the applicant, the words "For U.S. Citizens Only" will appear in prominent type on the front cover of the national mail voter registration form. For these

reasons, the final rules do not include this additional requirement.

### E. Place of Birth

Comments on whether or not to include place of birth on the national mail voter registration application were divided. The central argument advanced for including place of birth was its usefulness as a vehicle for distinguishing duplicate registrations. One commenter noted that his state had a Constitutional requirement that place of birth be included on registration forms, while another noted that place of birth is often used as a starting point to "investigate" citizenship as it pertains to voting eligibility.

The Commission notes, however, that duplicate registrations can effectively be distinguished given the required information contained on the application, including the optional prefix field, date of birth, and voter identification number in those states that will utilize some form of specific numerical identifier. Seventeen states currently function without requiring place of birth. Given its potential for inviting unequal scrutiny of applications from citizens born outside the United States, such as those born of parents serving overseas in the Armed Forces, the final rules do not include place of birth on the national mail voter registration application.

### F. Occupation

All commenters agreed that occupational information is neither essential for determining vote, eligibility nor for the administration of the election process. The final rules do not provide for a field for an individual's occupation on the application.

### G. Specific Information Regarding Criminal Conviction or Mental Incapacity

Voter eligibility requirements vary considerably among the states, especially with regard to both disenfranchising for criminal convictions and definitions of mental incapacity; therefore, the NPRM proposed to incorporate these matters into the application by reference to the individual state voter eligibility requirements.

One commenter pointed out that his state currently requires applicants who have been convicted of a disenfranchising crime to provide the date on which the applicant's voting rights were formally restored. A survey of the states suggests, however, that the majority of them do not formally restore a convicted felon's voting rights by any special act or ceremony. Instead, rights



are automatically restored either upon completion of the sentence or upon completion of the period of incarceration. Moreover, the overwhelming majority of states do not request or require the date of the restoration of their voting rights from applicants who have been convicted of a disenfranchising crime.

It appears, then, that the date of restoration of voting rights is not itself essential to determining the eligibility of applicants, provided that applicants affirm in writing and under penalty of perjury that they have not been convicted of a disenfranchising crime, or, if so, that their voting rights have been restored.

For these reasons, paragraph 8:4(b)(1) parallels the NPRM by incorporating matters of criminal conviction and mental incapacity by reference to the individual state voter eligibility requirements.

#### *H. Height, Weight, Hair and Eye Color, or Other Physical Characteristics*

Although one response to the NPRM indicated that height was a useful element in identifying voters at the polls, all other commenters on this issue agreed with the NPRM that physical characteristics are essential neither for determining voter eligibility nor for the administration of the election process. The final rules do not include a field on the application for information pertaining to an individual's height, weight, hair and eye color, or any other physical characteristic.

#### *I. Marital Status*

All commenters agreed with the NPRM that marital status is essential neither for determining voter eligibility nor for the administration of the election process. The Commission is not including marital status on the application.

#### *J. Other Names*

A number of commenters agreed with the NPRM that other names, including maiden name, spouse's name, mother's maiden name and others, are neither essential for determining voter eligibility nor for the administration of the election process. One commenter urged that maiden name be required because it is used as the chief identifier to update and cancel voter registrations. Another argued that maiden name was necessary to avoid a dual registration system in his state because it was required by the State Constitution. However, the national application will serve as a notice of name change; and most states indicated in response to a Commission survey that other names are

not necessary. The Commission is not including information regarding other names on the application.

#### *K. Miscellaneous Items*

A number of comments received in response to the NPRM supported the exclusion from the national form of such items as language preference, the need for assistance by persons with disabilities, and the willingness to serve as a poll worker. One commenter, however, supported a checkbox for language preference and another suggested adding a checkbox to be used for requesting an absentee ballot.

The Commission recognizes the concerns of language minority groups, as well as the language minority requirements of the Voting Rights Act specified in 42 U.S.C. 1973aa-1a and 1973(f)(4). Indeed, the Commission is hoping to develop separate versions of the national mail voter registration form by translating the form into each of the written languages covered by the Voting Rights Act, and to do so to the extent technically possible in a side by side format with the English version. Furthermore, the Commission realizes that local election officials face a challenge due to the dwindling pool of potential poll workers, and that a number of individuals who register by mail may also apply to vote by absentee ballot.

Nevertheless, alternative means exist for eliciting these miscellaneous items other than including such questions on the application. Also, states have the option of implementing a provision of the NVRA permitting them to require persons who register by mail to vote in person the first time after registration, unless the registrant's right to vote absentee is protected under federal law. The final rules, therefore, do not require or request any such miscellaneous information.

### **III. Format**

#### *A. Layout*

The ANPRM sought comments on whether the design of the form should be a single sheet, an application with a separate set of instructions, or a tear out application within a booklet of instructions. Sections 8.3 and 8.5 of the NPRM proposed the third approach because it appeared to be the best way to develop a universal form that would accommodate the information requirements under the NVRA and different state requirements. Under this approach, the Commission considered the "form" to include both the application portion and the accompanying booklet of instructions.

The NPRM proposed that the booklet would contain one or more tear out forms, instructions on how to complete the form, and a list of each covered state's eligibility and information requirements. Under this approach, the information contained in the booklet would be critical to the application, and the application could not be used without the accompanying instructions. All of the information relating to a particular state would be consolidated in one place. If the applicant had any questions concerning his or her state's requirements, the applicant would be able to read the relevant information under his or her specific state. Upon completing it, the applicant would forward the form to the appropriate state-level election official, as listed in the booklet.

Although a number of commenters supported this approach as the most practical way of developing a universal form meeting all the requirements of the NVRA, there were also a substantial number who opposed it. Opponents argued that the booklet was likely to be complex; intimidating, confusing, and time-consuming to use; and costly to produce. A number of commenters urged that states, agencies, and voter registration drives be permitted to distribute the national application with only the pertinent state's instructions, instead of a booklet with all state requirements. However, one commenter was concerned that applications might become separated from the booklet and suggested the application include a note warning the applicant not to complete the application if it had been detached from the booklet.

In considering whether or not the application should be made available separate from the general instructions and specific state instructions, the Commission worked to ensure that: (1) the form meet all the requirements of the NVRA and be "user friendly"; (2) the appropriate general instructions and state-specific information always be provided with the application; (3) the form be usable anywhere in the nation, enabling persons temporarily away from home (such as students and travelers) to apply to register to vote from a state other than the one in which they legally reside for voting purposes; and (4) the cost of producing the form be kept to a minimum.

Relating to item 2 above, permitting applications to be distributed without attached general instructions and state voter registration requirements could result in applicants not receiving the information needed to correctly complete the application and attest to their eligibility. Also, if the distribution

of the application with the general instructions and a single state's information is permitted, states and voter registration drives may not maintain a sufficient supply of information booklets to enable individuals to register in another state where they maintain their voting residence.

The latter concern was reinforced when a recent Commission survey established that 42 states and the District of Columbia are planning to develop or have developed their own state mail registration form as permitted at 42 U.S.C. 1973gg-(a)(2). (The remaining 3 states that responded noted that they did not know yet if they would do so.) Only 7 of the 46 indicated that they might use the national form, under limited circumstances, in their agency registration process. In most instances, therefore, the national form is likely to be used only by students, business travelers, and others who are temporarily away from their state of residence. On the other hand, organized voter registration drives may prefer to use the national form when state forms are not readily available or are extremely complex, or where registrants come from many states.

In weighting all these considerations, the Commission has determined the national application card may be made available without the entire booklet attached. This will enable voter registration drives targeting only one state's residents to distribute with the application only the general instructions and that state's information.

The chief state election official, however, must still make available the complete national mail voter registration form (the application and booklet) as required under 42 U.S.C. 1973gg-4(b). As stated in paragraph 8.3(a), this includes the application, general instructions for completing the application, and each state's instructions for the unique eligibility and voter registration requirements.

Applicants must attest to meeting each of their state's eligibility requirements, and so they have to be familiar with that portion of the instructions. Out-of-state applicants will not be able to use the national application to register if a particular state or organization does not supply instructions for their states.

Because some commenters did not think the regulations stated clearly enough that all information for a specific state would be consolidated in one place, paragraph 8.3(b) states that the information for each state will be arranged by state. And because commenters noted that proposed

regulations in the NPRM did not clearly differentiate between what would be on the application and what would appear elsewhere in the form, section 8.6 provides that distinction.

In the NPRM the Commission considered making the completed application sealable by employing a removable strip covering a pre-glued area along the bottom of the form. The form could be folded at the center perforation and attached to a pre-glued area to the top of the form. Registrars would be able to remove the sealing strip portion (which itself would be perforated) and either remove the ancillary portion or else fold it back and file it along with the application. There were no objections to this proposal, although one commenter did not think that a pre-glued strip was necessary because the postal service is required to hold the information confidential.

The purpose in suggesting that the application be sealable was to ensure that the application meets postal service size specifications and that both parts remain intact through the mail. Paragraph 8.5(c)(1), therefore, retains the provision that the application be sealable. The reason for using a removable strip covering a pre-glued area is to prevent unused applications stored under humid conditions from sticking to one another. The Commission, however, is currently investigating practical and cost-saving alternatives before deciding on one particular method.

The NPRM proposed that the "outside" of the application contain blank address lines. The address of each state registration official would be provided in the accompanying instructions. Applicants would be directed to complete the front of the application with the appropriate address and affix first class postage. Appropriate postal indicia would be preprinted accordingly. Although one commenter suggested that the forms be postage-prepaid, this is not feasible because no federal funds have been appropriated to cover such postage.

Some commenters suggested that the proposed rule be amended to require "Chief Election Official, state of \_\_\_\_\_" be preprinted on the application with instructions for the applicant to fill in the name of the appropriate state. They argued that a more complicated address is not needed under the NVRA. While this would be a simpler approach, a representative of the national office of the U.S. Postal Service stated that it is unlikely applications with such abbreviated addresses would be delivered. This representative and some election

officials also indicated that even with the addition of the city and zip code, delivery could be significantly delayed. The Commission is mindful that adopting such an approach could result in too many applications not reaching their destination at all or reaching it too late for applicants to be registered for upcoming elections, thus defeating one of the goals of the NVRA. Accordingly, paragraph 8.5(c)(2) retains the provision that application contain blank lines to be completed by the applicant using the state information provided.

#### *B. Size, Weight, and Color of the Form*

The NPRM proposed to capture all of the required data elements on a single 5" x 8" application card of sufficient stock and weight to satisfy postal regulations and standard filing requirements. A few commenters objected that this size was either too big in comparison to the size of forms currently used in their state, or too small to accommodate all data elements in a type size large enough for the average voter. Nevertheless, the Commission has determined that this is the best size for the application given postal requirements, the majority of states' requirements, and the need for the form to be readable.

The NPRM suggested that the application card be attached by a perforated fold to another 5" x 8" card containing requests for ancillary information, where applicable, such as former name, previous address, and a locational map. One commenter urged that the fields for former name and address be included on the application itself to ensure that applicants know that they should provide this information. Another commenter recommended this information be included within the application because optical scanning equipment will have to be adjusted to record each combined application and attached lower portion. Including fields for such information on the application, however, would require the use of a smaller type size, making the application difficult to read. Paragraph 8.5(b), therefore, parallels the proposed regulations with regard to size of the application card and the detachable portion. The application will rely on explicit instructions to ensure that this information is provided in the detachable portion.

To accommodate optical scanning capabilities, the NPRM proposed to use ink and paper colors of sufficient contrast for that purpose, to minimize the volume of preprinted material on the application without sacrificing clarity to the applicant, and to designate a signature field rather than a signature

line for the applicant's signature or mark. Commenters supported these provisions, but one suggested that the application also be printed with drop-out ink in areas where the applicant prints his or her information and include tick marks to show the applicant where to print characters representing the information they are required to provide. The Commission will explore to what extent these suggestions can be incorporated in the specifications for producing the form, but has not addressed these matters in the final rules at paragraphs 8.5 (d) and (e).

A number of commenters on the NPRM expressed their need to add information to the application such as precinct and legislative districts. Accordingly, the NPRM proposed to include, where practicable, blank areas on both sides of the form labeled "For Official Use Only". No objections were received to this proposal and paragraph 8.5(c)(3) parallels the language in the NPRM.

Some comments received in response to the NPRM indicated a need for margins from  $\frac{1}{2}$ " to 1" around the periphery of the application where holes can be punched permitting placement of the card in a binder. The Commission will explore to what extent this is possible given the primary goal of producing a readable form in the largest practicable type size.

#### C. Type Size

To accommodate applicants with vision impairments, the NPRM proposed that the form employ the largest practicable *sans serif* type size. The Commission has now decided, however, that limiting the type face to *sans serif* would be unduly restrictive. Paragraph 8.5(f), therefore, does not reference a specific type face.

#### D. Bilingual Requirements

Jurisdictions covered by the NVRA must provide forms which meet the requirements of the Voting Rights Act of 1965 to eliminate language barriers. 42 U.S.C. 1973aa-1(a). To accommodate the needs of language minority groups and the language minority requirements of the Voting Rights Act, the Commission noted in the NPRM that it hopes to develop separate versions of the form in each of the written languages covered by that Act, to the extent technically possible, in a side by side format with the English version.

One commenter suggested amending the regulations to state this requirement. Another suggested that the form, including confirmation mailings, be provided in languages not covered by

the Voting Rights Act. Federal regulations relating to the requirements to provide election materials in a language other than English are the responsibility of the U.S. Department of Justice and, therefore, the Commission has not addressed this topic in these regulations. However, the Commission intends to explore the possibility of developing the national form in the written languages determined necessary by the U.S. Department of Justice as a means of assisting covered states and local jurisdictions in their implementation of the NVRA and the Voting Rights Act. Where more than one written dialect exists for the language, the Commission will seek the advice of the Department of Justice, organizations representing the various language minority groups, and affected election officials before determining which one(s) will be used for the translation.

#### E. Meeting the Needs of the Disabled

A few commenters objected to the proposed form because they believed it would present particular barriers to Americans with disabilities. The Commission is aware of the needs of persons with disabilities and the requirements of both the Voting Accessibility for the Elderly and Handicapped Act of 1984 and the Americans with Disabilities Act ("ADA"). 42 U.S.C. 1973ee, 42 U.S.C. 12101 *et seq.* The ADA requires that states provide disabled persons with "auxiliary aids and services" where necessary to participate in a program or benefit. Determinations of what must be done to comply with both the NVRA and the ADA must be made by each state in consultation with its state Attorney General.

One commenter pointed out that section 504 of the Rehabilitation Act of 1973 prohibits excluding a person, by reason of handicap, from participation in any program or activity conducted by a federal agency. 29 U.S.C. 794. The Commission proposes below to develop the national voter registration form in the largest practicable type size and to explore the feasibility of reproducing the national form's instructions on audiotape in order to accommodate applicants with vision impairments. Furthermore, the NVRA requires distribution of the form at agencies that are primarily engaged in providing services to persons with disabilities. Therefore, many disabled applicants will have the assistance of agency personnel when completing the form, if assistance is needed.

#### F. Production of Forms

As noted in the NPRM, the Commission is considering methods of keeping printing and production costs to a minimum while maintaining printing quality control. To achieve these objectives, the Commission will have a modest number of each version (English only and those in a language other than English) of the form (the booklet of consolidated instructions and attached applications) as well as the separate application printed at the Government Printing Office ("GPO"). This will make these items government documents, available for sale through GPO, and will offer the states and other interested groups an opportunity to "ride" the print order for the quantities they feel necessary (and to reorder as needed). Given GPO economies of scale, such an approach should substantially reduce costs and provide an avenue for obtaining large quantities of the form and separate application.

One commenter wanted the Commission to pay for the forms and provide a sufficient number to the states. Another commenter proposed that the forms be made available to 501(c)(3) organizations free of charge. Although the Commission plans to pay for the initial production of the form and the separate application, the Commission does not have the funds to produce enough to meet the states' needs. Each state will have to decide whether or not the forms will be made available to various organizations free of charge.

Several commenters recommended that the regulations be revised to permit the independent reproduction of the application and relevant parts of the instructions. The Commission does not foresee any problem with reprinting or photocopying the general instructions and relevant state information, or their independent reproduction in a format more accessible to the visually impaired (such as in Braille or audiotape).

The reproduction of the application, however, is more problematic. First, some methods of reproduction will not yield a product that meets U.S. Post Office specifications. Although a photocopied application which is too flimsy to go through the mail on its own could be mailed in an envelope or delivered by hand to the appropriate election official, this would require more effort from the applicant than an application that meets these specifications. Second, some methods of reproduction will not result in an application that meets the handling and optical scanning requirements of election offices. Still, the Commission is

sensitive to the issue of forms availability and is aware that a few states permit the acceptance of applications that are not on the usual card stock used in the state.

Accordingly, paragraph 8.5(a) has been rewritten to permit the reprinting of the national application using technical specifications to be set forth by the Commission at a later date. These specifications will incorporate specific instructions on acceptable type size, layout, ink color and quality, paper weight, and the like. The Commission also plans to provide camera-ready copies of the national application, upon request, to interested states and organizations.

Whether or not photocopies of the national application are acceptable is a matter for each state to decide.

#### G. Obtaining State Information

Pursuant to the Act's requirement that the form specify "each eligibility requirement" of each state (42 U.S.C. 1973gg-7(b)(2)(A)), the NPRM proposed that the chief election official of each state responsible for coordinating activities under the NVRA be required to certify to the Commission each voter eligibility requirement of the state, including the standard deadline for submitting applications (with state Constitutional or statutory citations), within 30 days after the promulgation of the final rule. The NPRM also proposed to require, from officials in states requiring or requesting the applicant's full social security number, the state's privacy statement required under the Privacy Act of 1974, 5 U.S.C. 552a note.

These requirements are retained in section 8.6. This section now also: provides examples of eligibility requirements for which state information is sought; requires what, if any, voter identification number the state requires or requests; whether the state requires or requests a declaration of race/ethnicity; and, as recommended by one commenter, requires the designation and address of the state election office where completed national mail registration applications should be sent.

This section also retains the NPRM's requirement that the chief state election official provide the Commission with notice of any change thereafter to the state's eligibility requirements within 30 days of the change. This provision has been amended in paragraph 8.6(c) to state that such notification also is required for changes to any of the other state-specific information referenced in paragraphs 8.6 (a) and (b), such as deadlines for registration, voter identification number, privacy notice,

title and address of the state election office.

#### Recordkeeping and Reporting Requirements

Under 42 U.S.C. 1973gg-7(a)(3), the Commission is required to submit to the Congress not later than June 30 of each odd-numbered year a report assessing the impact of the NVRA on the administration of elections for federal office during the preceding 2 year period. The report must also include recommendations for improvements in federal and state forms, procedures, and other matters affected by the Act. The Commission is granted regulatory authority to prescribe, in consultation with the chief election officials of the states, such regulations as are necessary to implement this reporting requirement. 42 U.S.C. 1973gg-7(a)(1).

In order to produce a document that is both useful and comprehensive, the Commission will need several different types of data. For some of this data (such as total voting age population by state and demographic figures on reported voter registration), the Commission will use figures produced by the Bureau of Census. For the data elements identified below, however, the Commission will require the chief election official of each state responsible for coordinating activities under the NVRA to report to the Commission.

Paragraph 8.7(a) requires each state's chief election official to report to the FEC, on a form provided by the Commission, the identified information, no later than March 31 of each odd-numbered year (the year following each regularly scheduled general election for federal office, hereafter referred to as "federal general election") beginning March 31, 1995.

The Commission notes that several persons commenting on the NPRM suggested that the date of the first report be moved to March 31, 1997, to enable the states to provide a comprehensive report covering the entire two year period. However, the NVRA requires a report to Congress in 1995. Paragraph 8.7(c) states that this first report need only include a brief narrative description of the state's NVRA implementation as described below, and the number of registered voters in the state in the 1994 general election to use as a baseline for future reports.

#### 1. Contents of the Report

For the reasons given, the following items are necessary to assess the impact of the NVRA on the administration of elections for federal office.

#### A. The Total Number of Registered Voters Statewide (Both as "Active" and as "Inactive") in the Federal General Election Two Years Prior to the Most Recent Federal General Election

The Commission believes that in order to assess the impact of the NVRA each two years, it is essential to obtain, as a baseline the total number of registrants statewide (both "active" and "inactive" if the state makes such a distinction) in the federal general election prior to the one just preceding the reporting date. For example, for the 1999 report, the number would be the number of voters registered in the November 1996 election.

In the absence of any specific comments on the NPRM opposing this reporting requirement, paragraph 8.7(b)(1) requires this information on each state report. The Commission plans to convey the number of active registrants to the Congress not only in numbers, but also, based on Census figures, as a percentage of voting age population in each state.

#### B. The Total Number of Registered Voters Statewide (Both as "Active" and as "Inactive") in the Most Recent Federal General Election

In order to determine the overall increase or decrease in voter registration between federal general elections, paragraph 8.7(b)(2) requires from each state the total number of voters registered in the most recent federal general election and the number of "active" and "inactive registrants if the state makes such a distinction.

#### C. The Total Number of New Valid Registrations Accepted Statewide Between the Past Two Federal General Elections, Including All Registrations That Are New to the Local Jurisdiction and Re-Registrations Across Jurisdictional Lines, but Excluding All Applications That Are Duplicates, Rejected, or Report Only a Change of Name, Address, or (Where Applicable) Party Preference Within the Local Jurisdiction

Because changes in total voter registration figures between federal general elections result from additions to the list as well as deletions from the list, paragraph 8.7(b)(3) requires of each state the total number of new valid registrations between the date of the most recent federal election and the one prior to the most recent. The Commission expanded the NPRM's language in response to comments seeking clarification of the definition of what constitutes a "new valid registration."

While no commenters specifically objected to this reporting requirement, one commenter suggested that the Commission also require the reporting of the number of registration applications rejected, as well as the reason for their rejection, in order to monitor the effectiveness of NVRA compliance to the Voting Rights Act. The final rules do not require this additional information as the burden it would place on the states and other reporting entities would far outweigh its potential usefulness.

***D. If the State Distinguishes Between "Active" and "Inactive" Voters, the Total Number of Registrants Statewide That Were Designated "Inactive" at the Close Of the Most Recent Federal General Election***

The language in paragraph 8.7(b)(4) describing this reporting item has been altered from that in the NPRM to reflect the concern shared by several commenters that, since individuals would be added and deleted from the voter roles at various times during the election cycle in each state, no meaningful correlation could be made from the information as proposed. The Commission feels a better basis of comparison will result by uniformly requiring the collection of this information "at the close of the most recent federal general election."

In order to maintain consistency in the numbers of registrants reported, paragraph 8.7(b)(4) requires from those states that adopt the practice of distinguishing between "active" and "inactive" voters, the number of registrants designated as "inactive" at the close of the most recent federal general election and who remained "inactive" after the most recent federal general election (thus ruling out registrants that were designated "inactive" but were restored to "active" status by reason of returning a confirmation notice or voting).

***E. The Total Number of Registrations Statewide That Were Deleted From the Registration List Between the Past Two Federal General Elections***

Paragraph 8.7(b)(5) requires each state to report the total number of registrations (both "active" and "inactive" if the state makes such a distinction) that were, for whatever reason, deleted from the registration list between the past two federal general elections. Although one commenter opposed this provision, this information is necessary to provide a more complete view of changes in total registration figures than would be available from

information relating solely to additions to the voter registration list.

***F. The Statewide Number of Registration Applications That Were Received From or Generated By Each of the Following Categories of Sources: (1) All Motor Vehicles Offices; (2) Mail; (3) All Public Assistance Agencies That Are Mandated As Registration Sites Under the NVRA; (4) All State-Funded Agencies Primarily Serving Persons With Disabilities; (5) All Armed Forces Recruitment Offices; (6) All Other Agencies Designated by the State; and (7) All Other Means (Including In-Person, Deputy Registrars, Organized Voter Registration Drives Delivering Forms Directly to Registrars, etc.)***

The wording of paragraph 8.7(b)(6) of the final rules has been revised from that proposed in NPRM to more clearly define the information sought by the Commission. Several commenters were uncertain if the Commission would be asking for the total number of registration applications (regardless of whether they are valid, rejected, duplicative, or other information changes) from the various categories of locations as distinct from individual agency offices throughout the state.

A principal objective of the NVRA is to expand the number and range of locations where eligible citizens may obtain and complete a voter registration application. The final rules, therefore, require information regarding the number of registration applications received from or generated by the sources identified above to provide an indication of the level of voter registration activity from each.

There was no significant opposition to this reporting requirement. A few commenters suggested that the Commission go beyond the proposed requirements to include such things as the total number of registrations received from each individual office of each entity providing registration services, and the total volume of people served by each agency to compare the rate of individuals registered to the total number of people seeking service or assistance from each entity. While this additional information might provide useful statistics for the evaluation and comparison of particular agency sites, the final rules do not seek this information in view of the negative impact more complicated recordkeeping and reporting requirements would impose on the staff of both election offices and agencies or other entities providing voter registration services who are often already burdened with overwhelming caseloads.

The Commission notes, however, that the collection and retention of this information may be deemed necessary by the Department of Justice in those states that require disclosure of race on the voter registration application in order to assist the Department in enforcing the various provisions of the Voting Rights Act.

***G. The Total Number of "Duplicate" Registration Applications Statewide That, Between the Past Two Federal General Elections, Were Received in the Appropriate Election Office and Generated by Each of the Following Categories: (1) All Motor Vehicle Offices; (2) Mail; (3) All Public Assistance Agencies That Are Mandated As Registration Sites Under the NVRA; (4) All State-Funded Agencies Primarily Serving Persons With Disabilities; (5) All Armed Forces Recruitment Offices; (6) All Other Agencies Designated by the State; and (7) All Other Means (Including In-Person, Deputy Registrars, Organized Voter Registration Drives Delivering Forms Directly to Registrars, etc.)***

The Commission received comments both favoring and opposing this reporting requirement. The nature of the objections varied from concerns regarding the cost and logistical problems of collecting such information, to statements that the state's current data system could not collect this information, to concerns that determining duplicate applications in agencies would result in the applicant's confidentiality being compromised.

The Commission believes that it is important to gauge the level of overlapping voter registration activity from all categories of registration sources. Collecting such information will lead to better registration site selection and can indicate the need for improved voter information regarding the absence of the need to re-register if one is already registered and has not changed address.

Although the collection of this information might present difficulties for some jurisdictions, it is needed to meet the Commission's legal responsibility to accurately report to the U.S. Congress on the impact of the NVRA on the administration of elections. Moreover, mechanisms exist (such as coding techniques using an alpha-numeric identifier) which would allow for the accurate reporting of this information while maintaining the confidentiality of the applicant in those instances in which confidentiality is a primary concern. Accordingly, paragraph 8.7(b)(7) requires the number of duplicate registration applications

received from each category identified above.

**H. The Statewide Number of Confirmation Notices Mailed Out Between the Past Two Federal General Elections and the Statewide Number of Responses Received to These Notices During That Same Period**

Paragraph 8.7(b)(8) requires that such information be reported, absent any specific objections to the NPRM on the inclusion of this reporting requirement, because the Act requires that registrars mail out confirmation notices to certain types of registrants, and because the Act further requires that states maintain records of all such mailings along with information concerning whether each recipient has responded to the notice. Such information is important in assessing the impact of the NVRA on the administration of elections and, in states which do not distinguish between "active" and "inactive" registrants, such numbers are essential to adjusting overall registration figures.

**I. In the State's First Report, a Brief Narrative Description of the State's Implementation of the NVRA; and in Subsequent State Reports, Any Significant Changes to the Program**

Because the Act provides the states a number of options in complying with the NVRA, an overall description of how each state has initially implemented the Act is essential to assessing its impact. In order to enhance comparability across states, the Commission will provide on the FEC reporting form a series of questions with categorical responses requiring the state to indicate the options or procedures the state has selected in implementing the NVRA. This requirement is contained in paragraph 8.7(b)(9) of the final rules.

In response to concerns of several commenters, the Commission notes that the last section of the reporting form will be left blank for states to include other information that they may wish to report, such as specific information on forms and systems used by the state to facilitate implementation of the Act, a description of those offices designated by the state as discretionary voter registration agencies, any programs or approaches to implementation that have proved especially innovative or successful in implementing the provisions of the NVRA, and any other additional information not covered in a specific category.

In like manner, the Commission will inquire in all subsequent reports about any significant changes in each state's program.

**J. Any Additional Information**

The NPRM proposed that no report on the impact of the NVRA on the administration of elections would be complete without identifying the types of problems encountered in its implementation and operation.

Several commenters suggested that the Commission ask not only for problems encountered, but also for successes in the implementation and operation of the NVRA.

New paragraph 8.7(b)(10) requires states to provide any additional information that would be helpful to the Commission in meeting the reporting requirement under 42 U.S.C. 1973gg-7(a)(3). Accordingly, the Commission will provide an area on the reporting form for states to identify and describe any particularly successful program, any specific problems they have encountered (including any financial impact the states wish to report) along with the measures they have taken to address any such problems, and any other information they deem relevant.

**K. Miscellaneous Items**

Commenters suggested a number of additional items be reported that do not conveniently fit into any of the above categories.

One advocated the inclusion of such miscellaneous items as: The number of bilingual registration forms distributed and the number of bilingual confirmation notices mailed for each covered language; the number of bilingual registration forms distributed and the number of confirmation notices mailed for each covered language, by jurisdiction, for each jurisdiction covered by the Voting Rights Act; voting age population (based on census statistics) by race and ethnicity; and the percent of whites and each protected class under the Voting Rights Act plus the percent of statewide voting age population reflected in each category of information to be reported under paragraph 8.7(b)(6), disaggregated to voter tabulation district and precinct level.

Another commenter suggested that the Commission include a compilation and analysis of racial data relating to the impact of the law on historically disenfranchised groups.

While the Commission acknowledges the concerns of many groups that the NVRA achieve one of its stated goals in opening and simplifying the voter registration process for those traditionally underenfranchised, such detailed statistical reporting would not be necessary to assess the impact of the NVRA on the administration of elections.

As noted previously, however, the collection and retention of these and other types of demographic data relating to race may be necessary in those states that require race be included on the voter registration application in order to assist the Department of Justice in enforcing the Voting Rights Act.

**II. Items Not To Be Reported**

For the reasons given, the Commission will not request reporting of the following items:

**A. The Number of Declinations Filed at Agencies or Motor Vehicle Offices**

The Act requires that applicants at public assistance agencies be provided a form on which they may decline in writing to register to vote and permits, though does not require, such a procedure in motor vehicle offices. The majority of commenters agreed with the Commission's proposal not to include the number of declinations filed with the various agencies because of the ambiguous nature of this information and the substantial additional costs for recordkeeping. The person most strongly in favor of requiring information regarding declinations suggested that, if available with the reasons for the declinations, the results could be used to monitor whether states are in compliance with the Voting Rights Act, and if applicants are being denied effective access to the franchise. However, there are any number of reasons why a person may decline to register to vote, including that the person is already registered. Moreover, the same person may decline to register several times during the same two-year period at different agencies or even at the same agency. Retaining records on the number of declinations will therefore not be likely to yield any statistically useful information. The Commission also wishes to avoid discouraging agencies from participating in voter registration activities by imposing on them burdensome reporting responsibilities.

Also, states must retain declinations for 22 months. 42 U.S.C. 1974 *et seq.* States may want to ensure that such declinations are retained in such a manner as to be able to identify originating offices or agencies to permit an examination of declination patterns, if necessary.

**B. The Number of Persons Voting Under the "Fail-Safe" Provisions of the NVRA**

One commenter requested that the Commission include information on the number of persons voting under the "fail-safe" provisions of 42 U.S.C. 1973gg-6(e) in order to help determine



the efficiency of the Act. These provisions permit certain classes of registrants to vote that were formerly unable to do so because of bureaucratic or legal technicalities.

The NVRA specifically affords states considerable latitude in how to administer the "fail-safe" voting process. The procedures adopted in some states, therefore, will generate statistics on the number of "fail-safe" voters more readily than will the procedures adopted in others. Moreover, in some instances it may be difficult to distinguish between voters utilizing the "fail-safe" procedures developed in accordance with the Act and those utilizing existing state provisions for casting a provisional ballot.

For these reasons, the Commission is not seeking this information.

**C. The Number of Persons Newly Registered Between the Past Two Federal General Elections Who Voted in the Past Federal General Election**

No comments were received regarding this item. Because whether or not registered persons subsequently vote is a matter driven by a multitude of variables outside the Act, and also because election officials do not routinely undertake the burdensome task of gathering information on the subsequent voting of a specific group of registrants, the Commission is not requiring this information.

**D. The Postal Costs Incurred Statewide Between the Past Two Federal General Elections for All Mailings Required Under the NVRA**

Comments on the proposal to report the postal costs incurred statewide for all mailings required under the NVRA were generally negative. Most commenters questioned the necessity of collecting this information, and felt that the administrative costs of gathering the information would impose a considerable additional financial burden on localities. Other commenters stated that for many smaller jurisdictions, the data gathered would be incomplete and unreliable.

Of those commenters in favor of including postal costs, a few went beyond the scope of the proposed rules and stated that they would like to see not only postal costs reported, but also all other costs associated with the implementation of the NVRA.

These comments have persuaded the Commission to delete this requirement from the final rules. This would not preclude states from voluntarily providing this information in their biennial report to the Commission.

**E. Other Implementation or Operating Costs of the NVRA**

As was the case with the ANPRM, a number of commenters to the NPRM wanted to report other implementation and operating costs of the NVRA. For a number of very practical reasons, however, the Commission is not seeking such data.

First, states will approach the NVRA from many different starting points. The costs of newly implementing any of these programs will entail an upfront expenditure which could not be compared to any new costs incurred by states that already administer some or all of the required programs.

Second, states vary considerably in their degree of computerization in election offices as well as in motor vehicle and public assistance agencies. Computerization at both the state and local levels will result in apparent reduced operating costs in states that already employ such technology.

The Commission also recognizes that the different implementation strategies of the various states will likely show different kinds of costs and therefore comparisons and even total cost figures would be misleading.

Finally, it is the experience of this Commission in conducting previous research on election costs, that few election offices are able to isolate their election related costs from the costs of other non-election-related office activities. However, this would not preclude states from voluntarily reporting other costs (e.g., in the brief narrative description of the state's implementation of the NVRA section of the report).

**Regulatory Flexibility Act**

One commenter argued that the proposed rules would violate the Regulatory Flexibility Act under 5 U.S.C. 605(b) because of the impact on small entities. However, as the commenter notes, both the NVRA and the rules are directed to the covered states and not to local jurisdictions. Under the rules, the covered states will choose their own methods of implementing these requirements.

**List of Subjects in 11 CFR Part 8**

Elections, National Voter Registration Act, Reporting and recordkeeping requirements.

**Certification of No Effect Pursuant to 5 U.S.C. 605(b) [Regulatory Flexibility Act]**

The attached final rules will not, if promulgated, have a significant economic impact on a substantial number of small entities. The basis for

this certification is that few, if any, small entities will be directly affected by these rules.

For the reasons set out in the preamble, new Part 8 is added to Chapter I of Title 11 of the *Code of Federal Regulations* as follows:

**PART 8—NATIONAL VOTER REGISTRATION ACT (42 U.S.C. 1973gg-1 et seq.)**

**Subpart A—General Provisions**

**Sec.**

8.1 Purpose & scope.

8.2 Definitions.

**Subpart B—National Mail Voter Registration Form**

**Sec.**

8.3 General Information.

8.4 Contents.

8.5 Format.

8.6 Chief State Election Official.

**Subpart C—Recordkeeping and Reporting**

**Sec.**

8.7 Contents of reports from the states.

Authority: 42 U.S.C. 1973gg-1 et seq.

**Subpart A—General Provisions**

**§ 8.1 Purpose & scope.**

The regulations in this part implement the responsibilities delegated to the Commission under Section 9 of the National Voter Registration Act of 1993, Public Law 103-31, 97 Stat. 77, 42 U.S.C. 1973gg-1 et seq. ("NVRA"). They describe the format and contents of the national mail voter registration form and the information that will be required from the states for inclusion in the Commission's biennial report to Congress.

**§ 8.2 Definitions.**

As used in this part:

(a) *Form* means the national mail voter registration application form, which includes the registration application, accompanying general instructions for completing the application, and state-specific instructions.

(b) *Chief state election official* means the designated state officer or employee responsible for the coordination of state responsibilities under 42 U.S.C. 1973gg-8.

(c) *Active voters* means all registered voters except those who have been sent but have not responded to a confirmation mailing sent in accordance with 42 U.S.C. 1973gg-6(d) and have not since offered to vote.

(d) *Inactive voters* means registrants who have been sent but have not responded to a confirmation mailing sent in accordance with 42 U.S.C.

1973gg-6(d) and have not since offered to vote.

(e) *Duplicate registration application* means an offer to register by a person already registered to vote at the same address, under the same name, and (where applicable) in the same political party.

(f) *State* means a state of the United States and the District of Columbia not exempt from coverage under 42 U.S.C. 1973gg-2(b).

(g) *Closed primary state* means a state that requires party registration as a precondition to vote for partisan races in primary elections or for other nominating procedures.

## Subpart B—National Mail Voter Registration Form

### § 8.3 General Information.

(a) The national mail voter registration form shall consist of three components: An application, which shall contain appropriate fields for the applicant to provide all of the information required or requested under 11 CFR 8.4; general instructions for completing the application; and accompanying state-specific instructions.

(b) The state-specific instructions shall contain the following information for each state, arranged by state: the address where the application should be mailed and information regarding the state's specific voter eligibility and registration requirements.

(c) States shall accept, use, and make available the form described in this section.

### § 8.4 Contents.

(a) *Information about the applicant.* The application shall provide appropriate fields for the applicant's:

(1) Last, first, and middle name, any suffix, and (optional) any prefix;

(2) Address where the applicant lives including: street number and street name, or rural route with a box number; apartment or unit number; city, town, or village name, state; and zip code; with instructions to draw a locational map if the applicant lives in a rural district or has a non-traditional residence, and directions not to use a post office box or rural route without a box number;

(3) Mailing address if different from the address where the applicant lives, such as a post office box, rural route without a box number, or other street address; city, town, or village name; state; and zip code;

(4) Month, day, and year of birth;

(5) Telephone number (optional); and

(6) Voter identification number as required or requested by the applicant's

state of residence for election administration purposes.

(i) The application shall direct the applicant to consult the accompanying state-specific instructions to determine what type of voter identification number, if any, is required or requested by the applicant's state.

(ii) For each state that requires the applicant's full social security number as its voter identification number, the state's Privacy Act notice required at 11 CFR 8.6(c) shall be reprinted with the instructions for that state.

(7) Political party preference, for an applicant in a closed primary state.

(i) The application shall direct the applicant to consult the accompanying state-specific instructions to determine if the applicant's state is a closed primary state.

(ii) The accompanying instructions shall state that if the applicant is registering in a state that requires the declaration of party affiliation, then failure to indicate a political party preference, indicating "none", or selecting a party that is not recognized under state law may prevent the applicant from voting in partisan races in primary elections and participating in political party caucuses or conventions, but will not bar an applicant from voting in other elections.

(8) Race/ethnicity, if applicable for the applicant's state of residence. The application shall direct the applicant to consult the state-specific instructions to determine whether race/ethnicity is required or requested by the applicant's state.

(b) *Additional information required by the Act.* (42 U.S.C. 1973gg-7(b)(2) and (4)).

The form shall also:

(1) Specify each eligibility requirement (including citizenship). The application shall list U.S. Citizenship as a universal eligibility requirement and include a statement that incorporates by reference each state's specific additional eligibility requirements (including any special pledges) as set forth in the accompany state instructions;

(2) Contain an attestation on the application that the applicant, to the best of his or her knowledge and belief, meets each of his or her state's specific eligibility requirements;

(3) Provide a field on the application for the signature of the applicant, under penalty of perjury, and the date of the applicant's signature;

(4) Inform an applicant on the application of the penalties provided by law for submitting a false voter registration application;

(5) Provide a field on the application for the name, address, and (optional) telephone number of the person who assisted the applicant in completing the form if the applicant is unable to sign the application without assistance;

(6) State that if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(7) State that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

(c) *Other information.* The form will, if appropriate, require an applicant's former address or former name or request a drawing of the area where the applicant lives in relation to local landmarks.

### § 8.5 Format.

(a) The application shall conform to the technical specifications described in the Federal Election Commission's National Mail Voter Registration Form Technical Specifications.

(b) *Size.* The application shall consist of a 5" by 8" application card of sufficient stock and weight to satisfy postal regulations. The application card shall be attached by a perforated fold to another 5" by 8" card that contains space for the information set forth at 11 CFR 8.4(c).

(c) *Layout.*

(1) The application shall be sealable.

(2) The outside of the application shall contain an appropriate number of address lines to be completed by the applicant using the state information provided.

(3) Both sides of the application card shall contain space designated "For Official Use Only."

(d) *Color.* The application shall be of ink and paper colors of sufficient contrast to permit for optical scanning capabilities.

(e) *Signature field.* The application shall contain a signature field in lieu of a signature line.

(f) *Type size.*

(1) All print on the form shall be of the largest practicable type size.

(2) The requirements on the form specified in 11 CFR 8.4(b)(1), (6), and (7) shall be in print identical to that used in the attestation portion of the application required by 11 CFR 8.4(b)(2).

### § 8.6 Chief state election official.

(a) Each chief state election official shall certify to the Commission within 30 days after July 25, 1994:



(1) All voter registration eligibility requirements of that state and their corresponding state constitution or statutory citations, including but not limited to the specific state requirements, if any, relating to minimum age, length of residence, reasons to disenfranchise such as criminal conviction or mental incompetence, and whether the state is a closed primary state.

(2) Any voter identification number that the state requires or requests; and

(3) Whether the state requires or requests a declaration of race/ethnicity;

(4) The state's deadline for accepting voter registration applications; and

(5) The state election office address where the application shall be mailed.

(b) If a state, in accordance with 11 CFR 8.4(a)(2), requires the applicant's full social security number, the chief state election official shall provide the Commission with the text of the state's privacy statement required under the Privacy Act of 1974 (5 U.S.C. 552a note).

(c) Each chief state election official shall notify the Commission, in writing, within 30 days of any change to the state's voter eligibility requirements or other information reported under this section.

#### Subpart C—Recordkeeping and Reporting

##### § 8.7 Contents of reports from the states.

(a) The chief state election official shall provide the information required under this section with the Commission by March 31 of each odd-numbered year beginning March 31, 1995 on a form to be provided by the Commission. Reports shall be mailed to: National Clearinghouse on Election Administration, Federal Election Commission, 999 E Street, NW., Washington DC 20463. The data to be reported in accordance with this section shall consist of applications or responses received up to and including the date of the preceding federal general election.

(b) Except as provided in paragraph (c) of this section, the report required under this section shall include:

(1) The total number of registered voters statewide, including both "active" and "inactive" voters if such a distinction is made by the state, in the federal general election two years prior to the most recent federal general election;

(2) The total number of registered voters statewide, including both "active" and "inactive" voters if such a distinction is made by the state, in the most recent federal election;

(3) The total number of new valid registrations accepted statewide

between the past two federal general elections, including all registrations that are new to the local jurisdiction and registrations across jurisdictional lines, but excluding all applications that are duplicates, rejected, or report only a change of name, address, or (where applicable) party preference within the local jurisdiction;

(4) If the state distinguishes between "active" and "inactive" voters, the total number of registrants statewide that were considered "inactive" at the close of the most recent federal general election;

(5) The total number of registrations statewide that were, for whatever reason, deleted from the registration list, including both "active" and "inactive" voters if such a distinction is made by the state, between the past two federal general elections;

(6) The statewide number of registration applications received statewide (regardless of whether they were valid, rejected, duplicative, or address, name or party changes) that were received from or generated by each of the following categories:

(i) All motor vehicle offices statewide;

(ii) Mail;

(iii) All public assistance agencies that are mandated as registration sites under the Act;

(iv) All state-funded agencies primarily serving persons with disabilities;

(v) All Armed Forces recruitment offices;

(vi) All other agencies designated by the state;

(vii) All other means, including but not limited to, in person, deputy registrars, and organized voter registration drives delivering forms directly to registrars;

(7) The total number of duplicate registration applications statewide that, between the past two federal general elections were received in the appropriate election office and generated by each of the categories described in paragraphs (b)(6) (i) through (vii) of this section;

(8) The statewide number of confirmation notices mailed out between the past two federal general elections and the statewide number of responses received to these notices during the same period;

(9) Answers to a series of questions with categorical responses for the state to indicate which options or procedures the state has selected in implementing the NVRA or any significant changes to the state's voter registration program; and

(10) Any additional information that would be helpful to the Commission for

meeting the reporting requirement under 42 U.S.C. 1973gg-7(a)(3).

(c) For the State report due March 31, 1995, the chief state election official need only provide the information described in paragraph (b)(1) of this section and a brief narrative or general description of the state's implementation of the NVRA.

Dated: June 17, 1994.

Danny L. McDonald,

Vice Chairman.

[FR Doc. 94-15199 Filed 6-22-94; 8:45 am]

BILLING CODE 4715-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 93-SW-12-AD; Amendment 35-8803; AD 94-02-05]

**Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214B, 214B-1, and 214ST Helicopters**

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to Bell Helicopter Textron, Inc. Model 214B and 214B-1 helicopters, that currently establishes a mandatory retirement life for the main transmission upper planetary carrier (carrier). This amendment requires changing the retirement life for the carrier from flight hours to high-power events, removing the 2,500 hours' time-in-service magnetic particle inspection (MPI) for the carrier, and making the requirements applicable to the Model 214ST as well as the Model 214B and 214B-1 helicopters. This amendment is prompted by the manufacturer's analysis and retesting that has shown that frequent takeoffs and external load lifts (high-power events) shorten the life of the carrier. The actions specified by this AD are intended to prevent fatigue failure of the carrier, failure of the main transmission, and subsequent loss of control of the helicopter.

**EFFECTIVE DATE:** July 28, 1994.

**ADDRESSES:** This AD and any related information may be examined in the Rules Docket at the Federal Aviation Administration, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas.

**FOR FURTHER INFORMATION CONTACT:** Mr. Uday Garadi, Aerospace Engineer, Rotorcraft Certification Office, FAA, Rotorcraft Directorate, 2601 Meacham

**CHAPTER EIGHT**

**THE**

**NATIONAL VOTER**

**REGISTRATION**

**FORM**

## **CHAPTER 8**

### **The National Voter Registration Form**

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# **THE NATIONAL MAIL VOTER REGISTRATION FORM**

## **I. General Information and Background**

- A. The National Voter Registration Act of 1993 (NVRA) requires the Federal Election Commission (FEC) to design, in consultation with the state election officials, a national form for voter registration.
- B. The FEC did this work in 1994 through an extensive review and comment process, including consultation with all the state election officials, many local election officials, social service agency representatives, and advocates of the Act.
- C. Each state currently has its own registration requirements and voter registration form. The FEC took into consideration the different sizes, different information, and different technologies used in the states to design the national form.
- D. The national form is substantially the same as the California voter registration form, in terms of format, size, and the information to be completed.
- E. National forms will be available in two formats: (1) A form with instructions specific to California, or (2) two forms enclosed in a 12-16 page instructional booklet which contains registration requirements for all 50 states.
- F. The national voter registration form may be used in any state, but there is no national or federal voter registration system. The completed forms are forwarded to the appropriate state/local elections officials to be processed in the same manner as the state/local forms are currently processed. (In some states, local jurisdictions have the authority to establish their own voter registration systems.)

## **II. Use of the National Voter Registration Card**

The vast majority of voters will continue to use the state registration form. County elections officials should only issue the national form if the target group includes non-Californians, or the requester insists on using the national form. People who may prefer to use the national form include:

- A. Students at a California campus who want to register to vote in the state from which they originated.
- B. Convention organizers. (Note: State and local convention organizers may request the national form. You may present the rationale for using the state form, but if the convention organizers want to use the national form, then we are obligated to provide the national form to them.)
- C. Out-of-state travelers.
- D. Military personnel.

When issuing these forms, please keep track of the affidavit numbers issued to each group as you currently do with the state forms.

### **III. Distribution of National Voter Registration Cards to the Counties**

The Secretary of State will provide national registration cards to the counties in the same manner the state and county-specific voter registration cards are currently provided. Each county will be sent an order form. Please refer to Section II above to help you determine the number of national voter registration cards to order.

### **IV. Issuing the National Voter Registration Card to Individuals and Organizations**

County election officials will need to keep track of the national registration forms that are issued by your office and those returned to your office for residents of your county. The easiest way to do this is to note the range of affidavit numbers on the voter registration cards when you issue them to each individual and/or organization.

Unless the individual/organization specifically asks for the national form, or you know that there will be people from other states that will be asked to register to vote, you should issue the state form, addressed either to your office or the Secretary of State, whichever you think is best.

## V. Items on the National Voter Registration Card

### A. The "postcard" portion of the form includes:

1. Information about the Applicant
  - a. Last, first, and middle name, any suffix - such as "Jr.," and (optional) any prefix - such as Mr., Mrs., Ms., Miss;
  - b. **Address where the voter lives**, including rural route with a box number, apartment or unit, zip code. In addition, there are instructions to draw a locational map for those living in rural areas or non-traditional residences (e.g. homeless). Furthermore, there are directions not to use a post office box or rural route without a box number;
  - c. Mailing address, if different;
  - d. Month, day and year of birth;
  - e. Telephone number (optional);
  - f. Voter ID number (driver's license, social security, etc. as legally permitted by state law);
  - g. Political party preference; **unlike our state form, this will simply be a space.** The booklet will not have a list of qualified political parties. Instead, the voter will be told to contact an elections office in California. The booklet will have a statement that voters who do not choose a party or choose "none," will not be able to vote in partisan races in primary elections or participate in political party caucuses or conventions; they will, however, be able to vote in all other elections;

- h. Race/ethnicity. Californians will not be required to complete this space;
- i. Signature, under oath;
- j. The date of completing and signing the form;
- k. If (and only if) the voter is unable to sign, there is a space for the person assisting to indicate her/his name, address, and other information.

**2. Other Information on the Form**

- a. Eligibility requirements for voter registration, including U.S. citizenship - in the California section of the booklet, the information about mental capacity and felons will be detailed;
- b. Attestation that the applicant, to the best of her/his knowledge and belief, meets each of the eligibility requirements;
- c. Statement that if an applicant declines to register to vote, the declination will be confidential and used only for voter registration purposes; and
- d. Statement that if an applicant does register to vote, the office at which the applicant submits a voter registration card will remain confidential and will be used only for voter registration purposes.

**B. The perforated attachment to the voter registration card**

Attached to the postcard will be another section which can be used, if necessary, to provide "other" information. If it is used, the perforated attachment will also be returned to the elections official with the rest of the registration form. If it is not used, this portion will be separated from the registration form and not returned to the elections official.

The perforated attachment may be used by the voter to indicate:

1. former address, for change of address purposes, or
2. former name, for change of name purposes.

### **C. Information Specifically Excluded from the Form**

There are some items of information which the FEC specifically indicates will not be included on the national voter registration form. These are:

1. A box to check to indicate whether the registration is a new registration or a re-registration;
2. Former political party affiliation;
3. Naturalization information;
4. Place of birth;
5. Occupation;
6. Specific information about ineligibility for criminal conviction or mental incapacity;
7. Physical characteristics, such as height, weight, eye or hair color;
8. Marital status;
9. Other names (e.g. mother's maiden name); and
10. Other miscellaneous information, including:
  - a. language preference;
  - b. assistance for persons with disabilities; and,
  - c. poll worker/polling place solicitation.



## VI. The Format and Layout of the National Voter Registration Card

The form will be provided in two forms.

- A. Postcard application only: this will be a single page, much like the current California form, detachable at a perforation to separate the registration form from the instructions.
- B. The "booklet" will contain two registration cards and instructions for voters in each of the 50 states on how to fill out various sections of the card. Because this is a national voter registration card and it may be distributed to groups of people from various states, and because each state has its own requirements, the FEC decided that this booklet was necessary. In addition to instructions, the requirements of each state and the address for each state elections official are also included. The latter is included, so that applicants have the information to address their completed voter registration card to the correct state elections official.
- C. Format
  - 1. Size - The "postcard" portion of the form, without the "attachment" is 5" x 8"
  - 2. Stock and weight - sufficient to meet U.S. postal regulations
  - 3. Perforated attachment - 5" x 8" for the additional information that states want, but is not included in the basic form.
  - 4. Will be printed in English, and bilingually in English and one of the following languages: Spanish, Chinese, Vietnamese, Japanese, and Tagalog.
- D. Layout

The form will:

- 1. be sealable, probably by a "glue strip."
- 2. on the "address" side, have lines for applicants to write in the address where the form is to be sent. (The addresses of the 50 state elections officials can be found in the booklet.)

3. have a space designated "For Official Use Only." The perforated attachment will have a similar space.
4. have ink and paper color of sufficient contrast to permit optical scanning.
5. have an outlined field for signature instead of a line.
6. use the largest type size practicable.

# General Instructions

## Who Can Use this Application

If you are a U.S. citizen who lives or has an address within the United States, you can use the application in this booklet to:

- Register to vote in your State,
- Report a change of name to your voter registration office,
- Report a change of address to your voter registration office, or
- Register with a political party.

## Exceptions

**Arkansas**, by law, cannot accept this form until after Jan. 1, 1996.

**New Hampshire** town and city clerks will accept this application only as a request for their own absentee voter mail-in registration form.

**North Dakota** does not have voter registration.

**Virginia**, by law, cannot accept this form until after Jan. 1, 1996.

**Wyoming** will not let you use this application for registering to vote in that State.

Please do **not** use this application if you live outside the United States and its territories and have no home (legal) address in this country, or if you are in the military stationed away from home. Use the Federal Postcard Application available to you from military bases, American embassies, or consular offices.

## How to Find Out If You Are Eligible to Register to Vote in Your State

Each State has its own laws about who may register and vote. Check the information under your State in the State Instructions.

*Note:* All States require that you be a United States citizen by birth or naturalization to register to vote in federal and State elections.

*Also Note:* You **cannot** be registered to vote in more than one place at a time.

## When to Register to Vote

Each State has its own deadline for registering to vote. Check the deadline for your State on the last page of this booklet.

## How to Fill Out this Application

Use both the Application Instructions and State Instructions to guide you in filling out the application.

First, read the Application Instructions. These instructions will give you important information that applies to everyone using this application.

Next, find your State under the State Instructions. Use these instructions to fill out Boxes 6, 7, and 8. Also refer to these instructions for information about voter eligibility and any oath required for Box 9.

## How to Submit Your Application

Mail your application to the address listed under your State in the State Instructions. Or, deliver the application in person to your local voter registration office.

### If You Were Given this Booklet in a State Agency or Public Office

If you have been given this booklet in a State agency or public office, it is your choice to use the application or not.

If you decide to use this application to register to vote, you can fill it out and leave it with the State agency or public office. The application will be submitted for you. Or, you can take it with you to mail to the address listed under your State in the State Instructions. You also may take it with you to deliver in person to your local voter registration office.

*Note:* The name and location of the State agency or public office where you received the application will remain confidential. It will not appear on your application. Also, if you decide not to use this application to register to vote, that decision will remain confidential. It will not affect the service you receive from the agency or office.

# Application Instructions

## Box 1 — Name

Put in this box your full name in this order — Last, First, Middle. Do not use nicknames or initials.

*Note:* If this application is for a change of name, please tell us in **Box A** (*on the bottom half of the form*) your full name before you changed it.

## Box 2 — Home Address

Put in this box your home address (legal address). Do **not** put your mailing address here if it is different from your home address. Do **not** use a post office box or rural route without a box number.

*Note:* If you were registered before *but* this is the first time you are registering from the address in Box 2, please tell us in **Box B** (*on the bottom half of the form*) the address where you were registered before. Please give us as much of the address as you can remember.

*Also Note:* If you live in a rural area but do not have a street address, or if you have no address, please show where you live using the map in **Box C** (*at the bottom of the form*).

## Box 3 — Mailing Address

If you get your mail at an address that is different from the address in Box 2, put your mailing address in this box.

*Note:* If you have no address in Box 2, you **must** write in Box 3 an address where you can be reached by mail.

## Box 4 — Date of Birth

Put in this box your date of birth in this order — Month, Day, Year. *Be careful not to use today's date!*

## Box 5 — Telephone Number

Most States ask for your telephone number in case there are questions about your application. However, you do **not** have to fill in this box.

## Box 6 — ID Number

Many States use an ID number for record-keeping purposes. To find out what ID number, if any, you need to put in this box, see item 6 in the instructions under your State.

## Box 7 — Choice of Party

In some States, you must register with a party if you want to take part in that party's primary election, caucus, or convention. To find out if your State requires this, see item 7 in the instructions under your State.

If you want to register with a party, print in the box the full name of the party of your choice.

If you do **not** want to register with a party, write "no party" or leave the box blank. Do **not** write in the word "independent" if you mean "no party," because this might be confused with the name of a political party in your State.

*Note:* If you do not register with a party, you can still vote in general elections and nonpartisan (nonparty) primary elections.

## Box 8 — Race or Ethnic Group

A few States ask for your race or ethnic group; in order to administer the Federal Voting Rights Act. To find out if your State asks for this information, see item 8 in the instructions under your State. If so, put in Box 8 the choice that best describes you from the list below:

American Indian or Alaskan Native  
Asian or Pacific Islander *not* Native Hawaiian  
Black, *not* of Hispanic Origin  
Hispanic  
Multi-racial  
Native Hawaiian  
White, *not* of Hispanic Origin  
Other

## Box 9 — Signature

Review the information in item 9 in the instructions under your State. Before you sign or make your mark, make sure that:

- (1) You meet your State's requirements, and
- (2) You understand **all** of Box 9.

Finally, sign your **full** name or make your mark, and print today's date in this order — Month, Day, Year.

## Box 10 — Name of Assistant

If the applicant is unable to sign, put in this box the name, address, and telephone number (optional) of the person who helped the applicant.

# Voter Registration Application

## For U.S. Citizens

<b>You can use this form to:</b> <ul style="list-style-type: none"><li>■ register to vote</li><li>■ report that your name or address has changed</li><li>■ register with a party</li></ul> <b>Please print in blue or black ink</b>				This space for office use only.				
<b>1</b>	Mr. Mrs. Miss Ms.	Last Name		First Name		Middle Name(s)		(Circle one) Jr Sr II III
<b>2</b>	Address (see instructions)— Street (or route and box number)			Apt. or Lot #	City/Town		State	Zip Code
<b>3</b>	Address Where You Get Your Mail If Different From Above (see instructions)				City/Town		State	Zip Code
<b>4</b>	Date of Birth     /     / Month     Day     Year		<b>5</b>	Telephone Number (optional)		<b>6</b>	ID Number (see item 6 in the instructions for your State)	
<b>7</b>	Choice of Party (see item 7 in the instructions for your State)				<b>8</b>	Race or Ethnic Group (see item 8 in the instructions for your State)		
<b>9</b>	<b>I swear/affirm that:</b> <ul style="list-style-type: none"><li>■ I am a United States citizen</li><li>■ I meet the eligibility requirements of my state and subscribe to any oath required.</li></ul> (See item 9 in the instructions for your state before you sign.) <ul style="list-style-type: none"><li>■ The information I have provided is true to the best of my knowledge under penalty of perjury. If I have provided false information, I may be subject to a fine or imprisonment or both under Federal or State laws.</li></ul>				<b>Please sign full name (or put mark)</b> ↓ <div style="border: 1px solid black; height: 60px; width: 100%;"></div> <b>Date:</b> /     / Month     Day     Year			
<b>10</b>	If the applicant is unable to sign, who helped the applicant fill out this application? Give name, address and phone number (phone number optional).							

Fold here

### Please fill out the sections below if they apply to you.

If this application is for a change of name, what was your name before you changed it?

<b>A</b>	Mr. Mrs. Miss Ms.	Last Name	First Name	Middle Name(s)	(Circle one) Jr Sr II III IV
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If you were registered before but this is the first time you are registering from the address in Box 2, what was your address where you were registered before?

<b>B</b>	Street (or route and box number)	Apt. or Lot #	City/Town	State	Zip Code
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If you live in a rural area but do not have a street number, or if you have no address, please show on the map where you live.

<b>C</b>	<ul style="list-style-type: none"><li>■ Write in the names of the crossroads (or streets) nearest to where you live.</li><li>■ Draw an X to show where you live.</li><li>■ Use a dot to show any schools, churches, stores, or other landmarks near where you live, and write the name of the landmark.</li></ul>		<div style="border: 1px solid black; width: 100px; height: 100px; position: relative;"><div style="position: absolute; top: 0; right: 0;">NORTH ↗</div></div>
	<div style="border: 1px solid black; padding: 5px;">Example</div>	<div style="border: 1px solid black; padding: 5px;">Grocery Store</div>	
	<div style="border: 1px solid black; padding: 5px;">Public School</div>	<div style="border: 1px solid black; padding: 5px;">Woodchuck Road</div>	
	<div style="border: 1px solid black; padding: 5px;"></div>	<div style="border: 1px solid black; padding: 5px; text-align: center;">X</div>	

### To Mail:

1. Address the back of this application (see address under your state).
2. Remove plastic strip below.
3. Fold form at middle and seal at top.
4. Put on a first-class stamp and mail.

REMOVE TO EXPOSE ADHESIVE   REMOVE TO EXPOSE ADHESIVE   REMOVE TO EXPOSE ADHESIVE   REMOVE TO EXPOSE ADHESIVE   REMOVE TO EXPOSE ADHESIVE

